

1 STATE OF NEW YORK: TOWN PLANNING BOARD:

2 COUNTY OF ONONDAGA: TOWN OF SKANEATELES:

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4 In the Matter of:

5 A SEQR Review (Part 2/Part 3)  
6 before the Town of Skaneateles Planning  
7 Board to review the 9-lot subdivision,  
8 Hidden Estates, at Tax Map #36.-01-37.1,  
9 East Lake Road, Skaneateles.

8 Donald Spear, Applicant.

9 - - - - -

10 A **Special Meeting** in the above-matter conducted  
11 before the Town of Skaneateles Planning Board,  
12 held at the Skaneateles Town Hall, 24 Jordan Street,  
13 Skaneateles, New York, 13052 on **Tuesday,**  
14 **January 22, 2019, at 6:30 p.m.**

13 Town Planning Board present:

14 JOSEPH SOUTHERN, Chairman, and members:

15 DONALD KASPER SCOTT WINKELMAN  
16 DOUGLAS HAMLIN JILL MARSHALL

17 Clerk: Karen Barkdull  
18 Board Attorney: Scott Molnar, Esq.  
19 Town Planner: Howard Brodsky

18 Also present: John Camp, P.E.

19 APPEARING FOR Applicant: BY: JOHN R. LANGEY ESQ.  
20 (Hidden Estates) Costello, Cooney & Fearon, PLLC  
21 500 Plum Street, Suite 300  
Syracuse, New York 13204

22 Also Present: John Spear, Applicant  
23 Robert Eggleston, Architect  
24 Rudy Zona, Engineer

25 Reported By:  
Patrick J. Reagan, CSR  
Court Reporter

1           CHAIRMAN SOUTHERN: Okay. It's 6:30, we will  
 2 call the meeting to order. We are here for the purpose of  
 3 performing a SEQR review for the Hidden Estates, a nine-lot  
 4 subdivision. I guess it's going to be basically a review  
 5 of our review.

6           ATTORNEY MOLNAR: Yes. If I may?

7           CHAIRMAN SOUTHERN: Yes.

8           ATTORNEY MOLNAR: Mr. Chairman?

9           CHAIRMAN SOUTHERN: Go ahead.

10          ATTORNEY MOLNAR: Yes. This is a special meeting  
 11 called for the purpose of reviewing the Hidden Estates SEQR  
 12 determination. And that is, we have reviewed Part 1 of the  
 13 SEQR as of I believe the Planning Board's meeting on May  
 14 29th 2018. And we reviewed the information supplied by the  
 15 Applicant for accuracy. We requested a few changes, which  
 16 were acknowledged and submitted in a new Part 1 which came  
 17 to us on July 25th of 2018.

18                 At our meeting on the 29th, we also went through  
 19 and did a dry run of the review of Part 2, the questions  
 20 presented under the SEQR application for the determination  
 21 of significance concerning each aspect, applicable aspect  
 22 of the application.

23                 Since that meeting, additional information has  
 24 come in, both from the Applicant and his professionals  
 25 concerning, for instance, the cut and fill calculations for

- Molnar -

1 the road, and otherwise.

2 We have had an opportunity to review additional  
3 information concerning the availability of well water at  
4 the site. And there have been various reports submitted.

5 The Planning Board conducted an informational  
6 meeting on November 8th in order to gather information from  
7 interested individuals in the community, with questions  
8 and/or concerns presented concerning the project. The  
9 Applicant submitted a reply to the information which was  
10 gathered at the meeting and/or which came in afterwards via  
11 written materials.

12 We have had a chance to have the Town engineers,  
13 C & S Engineers, review the application as well for  
14 additional review of numbers presented concerning cut and  
15 fill of the roadway, and/or water availability via wells at  
16 the site.

17 And we are here today to take on review of Part 2  
18 of the SEQR the Full Environmental Assessment Form.

19 I would like to remind the Board and ask that you  
20 please consider all of the materials that you have in your  
21 files, including the conservation analysis that was  
22 submitted long ago. Do you recall at the first phase of  
23 the application, which predated September of 2017, that  
24 conservation analysis was one which the Board and the  
25 Applicant were pursuing diligently until it was I think

- Molnar -

1       agreed between the parties that an approval of the  
2       conservation analysis is arguably an approval under SEQR,  
3       which obviously mandates under the applicable regs, that  
4       SEQR must be completed first before any approval is granted  
5       to any project.

6               So we have pivoted at that point and turned to  
7       SEQR. But the conservation analysis is important. It's in  
8       your materials. It was re-presented by the Applicant in  
9       either January or February of 2018, and was the basis upon  
10      which the balance of this subdivision was designed to date.

11              The additional materials in your file will  
12      include also your recollection of the existing site as it's  
13      been constructed and subdivided over time into a four-lot  
14      subdivision at present, with the other previously approved  
15      A and B lot subdivisions, which were approximately 2015 and  
16      2014.

17              With that information, and your recollection of  
18      that, as part of the record, I would like to take you  
19      through Part 2, so that you can review your prior initial  
20      review questions/answers from May 29th, versus where we are  
21      today with the re-set and re-analysis of the project as  
22      it's occurred through up until just a few days ago with  
23      submissions by professionals, both from the Applicant and  
24      from the Board's engineer.

25              Could I have an extra Part 2 form? Just a

- Molnar -

1 question for the applicant, John Langey, do you recall that  
2 the SEQR terms have been revised?

3 ATTORNEY LANGEY: Yes.

4 ATTORNEY MOLNAR: The short form and the long  
5 form, Environmental Assessment Form -- there are new  
6 applicable forms as of January 1 of 2019.

7 ATTORNEY LANGEY: For projects that are initiated  
8 after the first of this year. So the old forms are  
9 applicable, may be applicable for our project -- unless  
10 there is some objection by the Board. I have reviewed the  
11 forms. They are not incredibly different.

12 ATTORNEY MOLNAR: I agree. I don't think they  
13 are markedly different at all.

14 ATTORNEY LANGEY: Yes.

15 ATTORNEY MOLNAR: So the following Environmental  
16 Assessment Form, and I pulled this from the DEC website,  
17 should be used as of January 1, 2019.

18 For applications to be submitted to the reviewing  
19 funding or approving agency.

20 ATTORNEY LANGEY: There was a guidance document I  
21 read that said you could start, you could start using, you  
22 have to start using them January 1st for projects initiated  
23 after January 1st. I suppose it's not going to matter in  
24 terms of, it won't change the analysis. I will acknowledge  
25 that -- I don't know. Which one do you intend to use?

- Molnar -

1 Probably doesn't make a lot of difference.

2 ATTORNEY MOLNAR: We have one submitted by the  
3 Applicant in July.

4 ATTORNEY LANGEY: That's what I have got.

5 ATTORNEY MOLNAR: Okay. I would recommend to the  
6 Board that we utilize the existing Part 2 that came in  
7 overall with the application. I am sorry, Karen. I am  
8 waffling because I suggested earlier today to Karen and she  
9 prepared several copies for all of us of the new form.

10 ATTORNEY LANGEY: I am going through the same  
11 thing with all my boards right now, figuring it out.

12 ATTORNEY MOLNAR: I apologize. Thank you.

13 BOARD MEMBER WINKELMAN: Some of the emails going  
14 back, there was a discrepancy about the quantities of  
15 earth, that earth-work that was to be done, that was part  
16 of Part 1. Wasn't that, he filled that in? And you  
17 know one thing was 18,000 cubic yards, to be moved up top,  
18 or is that the total amount that's being moved out of  
19 there?

20 MR. ZONA: That was the amount of earth work,  
21 that's correct. The amount of soil that was going to be  
22 moved around -- cut, fill, everything -- according to our  
23 contractor Eric Brillo.

24 BOARD MEMBER WINKELMAN: You used some of it for  
25 the new road?

- Zona -

1 MR. ZONA: Yes. But that's the amount that's  
2 going to be moved, as far as.

3 BOARD MEMBER WINKELMAN: Total?

4 MR. ZONA: Right. But yes, there will be, we  
5 anticipate that they will use some of that, whatever top  
6 soil is there, to put top soil over the lots, to seed them  
7 and use the shale fill around basements and driveways and  
8 other grading in the lots that are necessary around the  
9 houses that are built.

10 MR. CAMP: I did notice, Scott, that Rudy and I  
11 had two different numbers. I took my number that I  
12 produced the memos to the Board with, using there was a  
13 summation of two sheets that Brillo had prepared. There  
14 was a number at the bottom of each one. That was my  
15 understanding of the way they were set up.

16 MR. ZONA: His number was 18 -- he gave, it's in  
17 that range somewhere. I would say in between 18 and 19,  
18 somewhere.

19 MR. CAMP: I agree. I didn't see the  
20 differences, making a substantial difference in the way the  
21 Board would look at this.

22 MR. ZONA: I didn't either. When I emailed that  
23 back to you, I didn't see it that way either.

24 MR. CAMP: Yes.

25 BOARD MEMBER WINKELMAN: I was also curious about

- Zona -

1 the estimate of the amount of earth work that was actually  
2 done on the existing road. That was the cut that's already  
3 there. You guys basically cut and filled that whole area.  
4 You didn't --

5 MR. ZONA: They did. And I don't have a number  
6 for that. Brillo did the work. I am sure he has one  
7 somewhere that he could pull out and look that up. Do you  
8 know that offhand, Don? You guys paid for it.

9 THE APPLICANT: It got put underneath the road.

10 MR. ZONA: It was benched in and then used for  
11 fill on the slope. But he was wondering what the total  
12 earth work was. We didn't stockpile it and put it  
13 anywhere. It was all used within the scope of what's out  
14 there.

15 BOARD MEMBER WINKELMAN: Right.

16 CHAIRMAN SOUTHERN: All right. Scott, if you  
17 proceed with?

18 ATTORNEY MOLNAR: Pleased to. So one of the  
19 preliminary issues I was concerned about was the form to be  
20 used. I think we have concluded that.

21 The other was a proposed assumption to be made by  
22 the Board concerning the overall design and/or impact of  
23 the project. And that is, the proposal that the nine lots  
24 to be created from Lot 3, would include lake access via an  
25 easement over property owned by Justin Marchuska [ph]. My

## - Assumptions -

1 recommendation to the Board based upon conversations with  
2 the Applicant is to, for present purposes of SEQOR review,  
3 assume that some form of access may be permitted to the  
4 intended owners of the nine lots, over the lake access  
5 easement that borders the Marchuska property, at least for  
6 purposes of SEQOR and your overall review of the project.  
7 This is reserving all rights as to make a decision on  
8 whether or not that is to be permitted at a later date.

9 ATTORNEY LANGEY: Scott, as we spoke about, in  
10 that context, I think we discussed the idea that as the  
11 Board reviews it, the overall review would consider the  
12 fact that it was ingress and egress. It would not  
13 include -- my client would not propose to have any  
14 structures of any sort, any fire pits, or other evidence of  
15 land-use other than ingress and egress -- with the  
16 potential for carrying non-motorized watercraft (i.e.  
17 kayaks, canoes, things of that sort), in terms of, as they  
18 have to evaluate the impact on land and on water from that  
19 particular use.

20 I wanted to make it clear that my client is not  
21 proposing to have any sort of a disturbance of the land  
22 area down by the water. I wanted to be clear on that, as  
23 you review the environmental impact.

24 ATTORNEY MOLNAR: Yes. Does that sound like a  
25 fair assumption for the Board members. I would recommend

- Assumptions -

1 that.

2 BOARD MEMBER KASPER: Yes.

3 ATTORNEY MOLNAR: Because if, for instance, SEQR  
4 proceeds, and the application proceeds, and the Board feels  
5 strongly that that form of access is not Code compliant,  
6 and it's not part of the overall approved project or it's a  
7 condition upon which the negative condition upon which the  
8 project might be approved, it would not impact SEQR because  
9 essentially it's removing a proposed element which has  
10 arguably material impact, and as a result, it's a smaller  
11 form of the application deleting one of its aspects. But  
12 it doesn't have an effect upon the SEQR. It wouldn't  
13 trigger a re-review under SEQR if you delete it in the  
14 future.

15 CHAIRMAN SOUTHERN: But the discussion and  
16 determination would be made then under our review of the  
17 full application, after the completion of SEQR? I don't  
18 want to hand away our rights and say to these people that  
19 that is not lakefront recreation, at this point in time.

20 ATTORNEY MOLNAR: Agreed. So, at present, I  
21 recommend to the Board that it proceed, reserving all  
22 rights to make that decision at a later date because that  
23 is part of the overall project file. It is not conceding  
24 at present that that is so. Or that permission will be  
25 granted. It is, however, assuming it, for purposes of SEQR

- Assumptions -

1 review, so that you get the overall environmental impact of  
2 the project as preferred by the Applicant.

3 CHAIRMAN SOUTHERN: Is that your understanding,  
4 John?

5 ATTORNEY LANGEY: As I described it, with the  
6 understanding that we are not proposing any beach area or  
7 any structures, yes. Just the impact on the lake from  
8 ingress and egress.

9 CHAIRMAN SOUTHERN: Permitting.

10 ATTORNEY LANGEY: Of course, yes, absolutely.

11 MR. EGGLESTON: So basically, your review, it  
12 will consider, there is no volleyball, there is no  
13 picnicking, there is no --

14 MR. ZONA: No backing up a Sea-Do.

15 MR. EGGLESTON: It's strictly coming and going.

16 ATTORNEY MOLNAR: And it's an assumption upon  
17 which we proceed, but again, reserving rights.

18 CHAIRMAN SOUTHERN: All right.

19 ATTORNEY MOLNAR: So as the Board is aware, the  
20 purpose of the Part 2 of the Full Environmental Assessment  
21 Form is to use the information from Part 1 to identify  
22 potential adverse impacts that need further consideration  
23 by the reviewing agency, the Planning Board here.

24 The questions included in Part 2 are designed to  
25 help the reviewing agency identify what if any impacts may

1 occur as a result of the project. Part 2 is further used  
2 to decide whether these impacts will have no impact or a  
3 small impact or a moderate to a large impact.

4 The importance of scale and context, as you know,  
5 is one with primary considerations of the Board when  
6 reviewing Part 2. It's, under the DEC workbook:  
7 Importance of scale and context, when you have determined  
8 that a potential impact may occur. You will also need to  
9 decide if that impact will be small, or moderate to large.  
10 This decision should be based on the magnitude of the  
11 potential impact. Magnitude is not just the physical size  
12 of the project in feet or acres. Magnitude also considers  
13 the scale and context of a proposed project and severity of  
14 that project's impact.

15 With a couple of these guidance points from the  
16 DEC workbook, and if you like, I can take you through the  
17 measurement of impact concerning no impact, small impact,  
18 moderate, large?

19 CHAIRMAN SOUTHERN: Yes.

20 ATTORNEY MOLNAR: We can continue. So, again,  
21 looking at the workbook, (Reading:) Part 2, Identification  
22 of Potential Project Impacts. The DEC recommends that the  
23 lead agency also review scale. Scale refers to both the  
24 size and the intensity of the project. The scale of a  
25 project can be measured several ways. It includes the

1 overall size of the project; the number of buildings or  
2 structures proposed; the size of the parking lot, etc.; or  
3 the height and dimensions of buildings. It also refers to  
4 features that measure the intensity of the project as the  
5 amount of traffic that will be generated, or the amount of  
6 land to be cleared and graded in relation to the entire  
7 parcel size.

8           When measuring impacts, the DEC recommends that  
9 an impact is measured in part by its magnitude. The  
10 magnitude of an impact depends upon the overall size,  
11 setting and severity of the impact. The DEC recommends in  
12 the workbook that there are several classifications of  
13 impact. First being, no impact. No impact will occur if  
14 the proposed action is consistent with the community's  
15 adopted plan and zoning, does not cause a change in the  
16 intensity of land use in the area, does not change or  
17 impact quality of the existing community or its character,  
18 does not change or impact any environmental resources or  
19 infrastructure, etc.

20           A small impact is an impact that is minor in  
21 magnitude, and that may have smaller, limited effects on  
22 the environmental resources. Small impacts may also  
23 consider when an impact is limited to a small area. Small  
24 impacts are usually isolated, of minimal size, intermittent  
25 or short in duration, and do not affect rare or unusual

1 species, habitats or other resources.

2 Moderate impacts are impacts that are moderate in  
3 magnitude and that have more impact on environmental  
4 resources. Moderate impacts on environmental resources --  
5 apologize. Moderate impacts can occur when the impact  
6 affects a larger part of the parcel or even extending to a  
7 small area just beyond the parcel. Moderate environmental  
8 impacts may be either isolated, only one location, or of  
9 regional concern (in a larger area). They generally are  
10 longer-lasting (duration measured in weeks or several  
11 months), are often reversible and can be more readily  
12 addressed through mitigation measures or project changes.

13 Large impacts are impacts that are severe in  
14 magnitude, or cover large areas in the neighborhood or  
15 community. The environmental impacts anticipated could be  
16 irreversible, challenging to mitigate, of wide regional  
17 scale or long duration. A large impact may also be  
18 unlikely to occur but if it does, would be very damaging to  
19 the environment.

20 These are some of the overall guidance points set  
21 forth in the DEC workbook for your determination. I recall  
22 that, in summary, the Board is charged with determining the  
23 significance of potential impacts. They are either no, or  
24 small or moderate-to-large. If they are moderate-to-large,  
25 there is an additional analysis concerning the magnitude,

- SEQR Procedures - Part 2 - Molnar -

1 the duration, and the likelihood of the impact.

2 And then lastly, after that entire review, that  
3 takes into consideration Part 2 and Part 3 of the long  
4 form, there is the process for the Board to conclude and  
5 register its decision of significance.

6 My recommendation to the Board this evening is  
7 that we review Parts 2 and 3 of the SEQR long form, and the  
8 guidance proposed by the DEC, to identify magnitude,  
9 duration, etc., of significance. And then when the Board  
10 has had a chance to undertake a dialogue, a thorough review  
11 of each of the questions and then state its position  
12 concerning each of the questions presented, then we would  
13 use the transcript prepared by Mr. Reagan here, together  
14 with the notes that we accumulate here at the meeting, to  
15 summarize the Board's determination on Part 2, so that when  
16 it meets again in the very near future to advance SEQR for  
17 the Applicant, it will task me with the opportunity and  
18 obligation to prepare an overall memo together with a  
19 summary of the findings, together with a proposed  
20 determination, which would largely be left blank until such  
21 time as the Board renders its determination and we fill  
22 that into a determination resolution.

23 CHAIRMAN SOUTHERN: Okay.

24 ATTORNEY MOLNAR: With all of that having been  
25 said, I direct your attention to Part 2 of the long form

## - EAF (Part 2) - Question 1 -

1 Environment Assessment Form submitted by the Applicant, and  
2 draw your attention to Question No. 1: Impact on Land.  
3 The proposed action may involve construction on, or  
4 physical alteration of, the land surface of the proposed  
5 site?

6 CHAIRMAN SOUTHERN: Yes.

7 BOARD MEMBER HAMLIN: Yes.

8 CHAIRMAN SOUTHERN: Yes, no, and then proceed,  
9 or?

10 ATTORNEY MOLNAR: I would recommend we answer  
11 that question, and then proceed with sub-questions as  
12 required by the form.

13 CHAIRMAN SOUTHERN: I would say this is a yes.

14 BOARD MEMBER KASPER: Yes.

15 BOARD MEMBER WINKELMAN: Yes.

16 ATTORNEY MOLNAR: The sub-questions underneath  
17 Question 1 begin, with A.: The proposed action may involve  
18 construction on land where depth of the water table is less  
19 than three feet?

20 BOARD MEMBER HAMLIN: Part 1, is greater than  
21 three feet.

22 BOARD MEMBER WINKELMAN: That's right.

23 BOARD MEMBER HAMLIN: That would be a no.

24 Board MEMBER KASPER: Small.

25 ATTORNEY MOLNAR: Question B.: The proposed

- EAF (Part 2) - Question 1 -

1 action may involve construction on slopes of 15 percent or  
2 greater?

3 CHAIRMAN SOUTHERN: Yes. Moderate to large.

4 ATTORNEY MOLNAR: What is your rationale for that  
5 decision?

6 CHAIRMAN SOUTHERN: The construction of the new  
7 roadway to be in place deals with all varying percentage of  
8 slopes, greater than 15. Any work done to institute  
9 construction of the road would also involve working on  
10 slopes greater than 15 percent. This is an extreme action,  
11 and I believe subject to severe erosion.

12 BOARD MEMBER HAMLIN: It's not just for a small  
13 part of the road. It's quite an extensive part of the  
14 steep slope that's been identified in the conservation  
15 analysis as land of high conservation value.

16 ATTORNEY MOLNAR: Any other that's on that point?

17 Moving on to next sub-question is C.: The  
18 proposed action may involve construction on lands where  
19 bedrock is exposed or generally within 5 feet of existing  
20 ground surface?

21 CHAIRMAN SOUTHERN: I believe that would be no.  
22 Any disagreement?

23 BOARD MEMBER HAMLIN: Part 1 says "bedrock is  
24 greater than 3 feet." The question is 5 feet.

25 BOARD MEMBER KASPER: Yes. The first one is

- EAF (Part 2) - Question 1 -

1 equal. Land, he is going to be exposing -- it's all shale  
2 up there.

3 CHAIRMAN SOUTHERN: Is shale considered bedrock?

4 BOARD MEMBER WINKELMAN: Yes.

5 MR. ZONA: It's not bedrock. You can rip it.

6 BOARD MEMBER HAMLIN: One of the workbook quotes  
7 or statements leading to a moderate to large impact says:  
8 Engineering and added cost to extend infrastructure through  
9 difficult conditions, such as roads.

10 CHAIRMAN SOUTHERN: Yes.

11 BOARD MEMBER HAMLIN: I call this a difficult  
12 condition. It doesn't mention bedrock specifically.

13 CHAIRMAN SOUTHERN: Do you have a recommendation  
14 on it?

15 ATTORNEY MOLNAR: We can also look to the  
16 guidance of the DEC workbook as to Question 1-C, along with  
17 -- I want to pull that up. I apologize. I thought I  
18 tabbed the page. I have too many tabs.

19 MR. ZONA: I would think bedrock would be  
20 something you have to blast and not be able to dig with a  
21 backhoe.

22 ATTORNEY LANGEY: That is one of the examples  
23 they use in the book as well.

24 ATTORNEY MOLNAR: So examples, under Question  
25 1-C, in the workbook include: Will there be an impact?

- EAF (Part 2) - Question 1 -

1 Smalls impact may occur where exposed or shallow bedrock is  
2 present, and the proposed project disturbs only a limited  
3 area by excavation, and where no blasting occurs.

4 Moderate to large impact would be: Proposed  
5 projects in locations with soils highly susceptible to  
6 erosion or extensive areas of shallow or exposed bedrock,  
7 where land disturbance to those areas are large or  
8 unavoidable. And they can result in moderate to large  
9 impact related to water runoff, fracturing bedrock, etc.

10 Some examples that might fall into this category  
11 are, first bullet: A project where there is a need to  
12 blast in order to develop the site as proposed, resulting  
13 in fractures to the bedrock.

14 The next bullet: The site located over limestone  
15 bedrock known to have numerous caves, cracks and sinkholes  
16 that impact the project's ability to meet SPDES  
17 requirements?

18 Next bullet: The projects that are large in size  
19 that may change stormwater runoff patterns, and remove  
20 trees and vegetation that serve to hold the soils in place.

21 Next bullet: Engineering and added costs to  
22 extend infrastructure through difficult conditions such as  
23 roads, water and sewer lines, electric and gas service.

24 Next bullet: Need to blast in order to develop  
25 the site as proposed, resulting in fractures.

- EAF (Part 2) - Question 1 -

1           So those are the examples of a moderate to large  
2           impact.

3           BOARD MEMBER WINKELMAN: I would consider the  
4           shale to be bedrock here in the --

5           MR. ZONA: Shale is not bedrock. You're not  
6           going to blast it.

7           BOARD MEMBER MARSHALL: No blasting.

8           MR. ZONA: It's easily rippable. It's removable.

9           BOARD MEMBER WINKELMAN: That's how you  
10          constitute bedrock, you would have to blast it?

11          BOARD MEMBER HAMLIN: That would be my  
12          stipulation. Well, how deep is the bedrock?

13          MR. ZONA: It's way down.

14          CHAIRMAN SOUTHERN: It's limeledge?

15          MR. ZONA: I am not sure it's a -- I don't know  
16          if it's a limeledge or not. We dug the first road, got  
17          into shale. It's all rippable and easily removable.

18          CHAIRMAN SOUTHERN: John, do you concur?

19          MR. CAMP: Honestly, I think in engineering  
20          terms, bedrock is typically considered to be something  
21          solid on which you might rest a pilon or foundation.  
22          That's how I think -- that's how I know, I usually think of  
23          it in construction projects. But, you know, I guess I have  
24          never considered an alternate definition of bedrock.

25          I guess I don't have a good answer for that. I

## - EAF (Part 2) - Question 1 -

1 am sorry.

2 ATTORNEY MOLNAR: Is shale a difficult condition  
3 in which you would run water and sewer lines?

4 MR. CAMP: It's certainly more difficult than,  
5 you know, some sort of a glacial till or other clays. It's  
6 more difficult to remove. It's not as difficult as harder  
7 rock.

8 MR. ZONA: Bedrock.

9 CHAIRMAN SOUTHERN: Then maybe we could decide it  
10 would be a small impact? Based on a conclusion that the  
11 existing conditions are primarily shale and would be  
12 difficult to operate with. Small?

13 BOARD MEMBER KASPER: Yes, I will agree with  
14 that.

15 BOARD MEMBER WINKELMAN: I agree.

16 ATTORNEY MOLNAR: My apologies for backtracking  
17 here. But on Question 1-B, there was something in the  
18 workbook that caught my eye that I wanted to bring to the  
19 attention of the Board. And recall, that was the question:  
20 The proposed action may involve construction on slopes of  
21 15 percent or greater. Which you have already articulated  
22 a position on. But also I wanted to ask you whether or not  
23 you believe this fact pattern or this category is also  
24 applicable, and that is in the DEC handbook under the  
25 section, provides that moderate to large impacts include

- EAF (Part 2) - Question 1 -

1 proposed projects that are much larger in scale where there  
2 are extensive areas of slopes greater than 15 percent, that  
3 are unavoidable, where there is a higher risk of stormwater  
4 runoff, and erosion impacting valley streams and water  
5 bodies, or where the project is on a site that's highly  
6 visible could have a moderate to large impact. Some  
7 examples that might fall in that category are:

8 Extensive excavation or steep slopes where cut  
9 and fill will leave slopes steeper than exists now.

10 Next bullet: Removal of large areas of  
11 vegetation on steep slopes from the site.

12 Next bullet: Building on steep slopes next to  
13 streams or river banks with a history of unstable soils.

14 And next bullet: Visibility will be increased  
15 due to position on a slope.

16 CHAIRMAN SOUTHERN: Absolutely.

17 BOARD MEMBER HAMLIN: Yes.

18 BOARD MEMBER MARSHALL: Yes.

19 CHAIRMAN SOUTHERN: All examples apply to my --

20 BOARD MEMBER HAMLIN: I agree. Except the stream  
21 one.

22 MR. ZONA: Yes.

23 CHAIRMAN SOUTHERN: Steams and/or.

24 ATTORNEY MOLNAR: Next to streams or river banks,  
25 that's not applicable. But the other bullet points, does

- EAF (Part 2) - Question 1 -

1 the Board feel those are applicable?

2 BOARD MEMBER KASPER: Yes.

3 BOARD MEMBER MARSHALL: Definitely.

4 BOARD MEMBER WINKELMAN: It's a large.

5 CHAIRMAN SOUTHERN: Yes. That was a large --

6 ATTORNEY MOLNAR: That category had already been  
7 checked. But I wanted to ask if the Board feels those  
8 factors apply as well?

9 CHAIRMAN SOUTHERN: Yes.

10 BOARD MEMBER KASPER: Yes.

11 ATTORNEY MOLNAR: Next question is D.: The  
12 proposed action may involve the excavation or removal of  
13 more than 1,000 tons of natural material?

14 BOARD MEMBER MARSHALL: Definitely.

15 BOARD MEMBER HAMLIN: Yes.

16 CHAIRMAN SOUTHERN: Yes. Large.

17 BOARD MEMBER MARSHALL: Yes.

18 MR. ZONA: When you say removal, what does that  
19 mean?

20 CHAIRMAN SOUTHERN: Digging it up.

21 MR. ZONA: Removing from site.

22 CHAIRMAN SOUTHERN: Excavation.

23 ATTORNEY MOLNAR: Excavation and removal.

24 MR. ZONA: From the site?

25 BOARD MEMBER MARSHALL: No. Removing it from

- EAF (Part 2) - Question 1 -

1 the --

2 MR. ZONA: I am wondering what the clarification  
3 is?

4 BOARD MEMBER MARSHALL: You're changing the  
5 location.

6 MR. ZONA: You're taking it out of its natural  
7 position, yes.

8 CHAIRMAN SOUTHERN: Yes. That's what we will be  
9 considering.

10 BOARD MEMBER WINKELMAN: What's the tonnage of  
11 18,000 cubic yards?

12 BOARD MEMBER HAMLIN: The Internet told me  
13 between a ton and a ton and-a-half per yard.

14 ATTORNEY MOLNAR: The DEC says the question  
15 explores whether any mining is proposed to take place. But  
16 it also provides that more than 1,000 tons or 750 cubic  
17 yards, whichever is less, of minerals are removed from the  
18 earth during 12 successive calendar months. This is  
19 approximately equal to 40 or 50 tandem axle (10-wheeler)  
20 dump truck loads. So if there are 40 to 50 10-wheeler  
21 trucks moving around -- which was the proposed calculation.

22 MR. ZONA: But that's on-site though. This has  
23 to do with mining.

24 MR. CAMP: I believe the intent of this bullet  
25 here is centered around mining.

- EAF (Part 2) - Question 1 -

1                   ATTORNEY LANGEY: Yes. This is not the Mine Land  
2 Reclamation Act, where we'd have to obtain a permit from  
3 the DEC.

4                   CHAIRMAN SOUTHERN: This is a critical area. The  
5 disturbance of soil in any manner is going to impact the  
6 conditions of this lake. Therefore, I feel that even  
7 though it applies to mining, it also applies, in this  
8 instance, in our community to the project area.

9                   ATTORNEY LANGEY: I guess I am not clear how it's  
10 going to impact the lake in the setting we are proposing?

11                   CHAIRMAN SOUTHERN: We are not here to argue that  
12 point.

13                   ATTORNEY LANGEY: No, I understand. I appreciate  
14 that.

15                   MR. ZONA: The reason I ask this is because  
16 usually when you mine, you remove it and it doesn't come  
17 back. You don't reclaim the soil or the material that  
18 you're using.

19                   In this case, that's not true. We are not  
20 removing it from the site. And you are reclaiming it on  
21 the site. So there is a difference. So that's the reason  
22 I asked. Because under a mining permit, you're removing it  
23 completely and permanently. In this, you're not doing  
24 that.

25                   ATTORNEY MOLNAR: Right.

- EAF (Part 2) - Question 1 -

1                   ATTORNEY LANGEY:  It's an extraction of  
2 resources.

3                   ATTORNEY MOLNAR:  If I may?

4                   MR. ZONA:  I know what your point is.  That's the  
5 reason I asked.

6                   ATTORNEY MOLNAR:  Understood.  Additional factors  
7 set forth by the DEC under this section include:  Will  
8 there be an impact?  The first bullet point, under small  
9 impact:  Proposed projects that excavate small quantities  
10 of natural materials on an infrequent seasonal basis or  
11 that result in limited excavation in support of site  
12 construction could have small impacts.

13                   MR. ZONA:  So half these houses out here are  
14 removing technically, under that definition.

15                   CHAIRMAN SOUTHERN:  Yes.

16                   ATTORNEY MOLNAR:  Yes, but --

17                   MR. ZONA:  I am saying that.

18                   CHAIRMAN SOUTHERN:  Jill, did you have?

19                   BOARD MEMBER MARSHALL:  Yes, it said "excavation  
20 and removal."  We would just be talking about the  
21 excavation of it, not the removal from the site?

22                   BOARD MEMBER HAMLIN:  They actually use  
23 "removal."

24                   BOARD MEMBER KASPER:  Relocating it.  You're  
25 removing it from the ground.

- EAF (Part 2) - Question 1 -

1           ATTORNEY MOLNAR: I agree that this bullet point  
2 is almost specifically related to mining, and whether or  
3 not a Mine Land Reclamation permit is required. However, I  
4 think it provides guidance concerning impacts when it  
5 suggests that a small impact is one which results in  
6 limited excavation in support of site construction.

7           MR. ZONA: Scott, can the Board take some solace  
8 in the fact that there is other questions later that refer  
9 to this same issue that are not related to mining?

10           ATTORNEY MOLNAR: Yes, I agree. I recommend we  
11 move on.

12           BOARD MEMBER WINKELMAN: Just the fact we are  
13 comparing this to mining is a red flag.

14           MR. ZONA: It's inaccurate.

15           ATTORNEY MOLNAR: Moving on to Question E.: The  
16 proposed action may involve construction that continues for  
17 more than one year or in multiple phases?

18           BOARD MEMBER MARSHALL: No.

19           CHAIRMAN SOUTHERN: Yes.

20           BOARD MEMBER HAMLIN: They have a couple phases  
21 identified.

22           ATTORNEY MOLNAR: Part 1?

23           BOARD MEMBER HAMLIN: The Part 1. I think the  
24 road was one. And then the houses are going to go in over  
25 a series of months or years, right?

- EAF (Part 2) - Question 1 -

1 CHAIRMAN SOUTHERN: Yes.

2 BOARD MEMBER HAMLIN: It's not all going to  
3 happen at once. So it looks like there was a couple phases  
4 identified in Part 1.

5 BOARD MEMBER KASPER: Houses are -- talking about  
6 the road work.

7 CHAIRMAN SOUTHERN: We have to address the total  
8 site, and the actions that are going to take place on it.

9 BOARD MEMBER HAMLIN: Total phases indicated is  
10 two. Phase One, including demolition. One month, was that  
11 the road?

12 MR. ZONA: Yes.

13 BOARD MEMBER HAMLIN: Some estimate, the road was  
14 going to take that long. I believe that was a different  
15 discussion.

16 ATTORNEY MOLNAR: DEC guidance on point reflects,  
17 from the workbook, an example of small impacts, that that  
18 would be a small impact: First, construction that occurs  
19 in multiple phases, but the overall level of activity will  
20 not be substantially different from a single phase project.

21 Or the next bullet: Construction will continue  
22 for more than one year, but activity will be intermittent.  
23 There will be spurts of activity for less than two months  
24 at a time seasonally, or perhaps seasonally for one or two  
25 years. Pardon me.

- EAF (Part 2) - Question 1 -

1           The only guidance on moderate to large impact,  
2 first bullet: Construction that occurs over multiple  
3 phases, over many years should be considered long-term.

4           CHAIRMAN SOUTHERN: Well, perhaps we address it  
5 as a no or small.

6           BOARD MEMBER KASPER: I would say small. The  
7 first year is the road work.

8           BOARD MEMBER WINKELMAN: That's the big one. And  
9 the houses.

10          BOARD MEMBER KASPER: The houses are done, each  
11 house is going to have their own stormwater plan.

12          CHAIRMAN SOUTHERN: But they won't have SEQR  
13 review.

14          BOARD MEMBER KASPER: It's just residential.

15          MR. ZONA: It depends if you require a site plan  
16 review.

17          ATTORNEY MOLNAR: But single-family is  
18 unimproved, largely.

19          BOARD MEMBER MARSHALL: We don't know how long  
20 that will take.

21          BOARD MEMBER KASPER: It will take years.

22          CHAIRMAN SOUTHERN: Probably small.

23          ATTORNEY MOLNAR: Next question is F: The  
24 proposed action may result in increase erosion, whether  
25 from physical disturbance or vegetation removal (including

- EAF (Part 2) - Question 1 -

1 treatment by herbicides)?

2 CHAIRMAN SOUTHERN: Well, obviously, it may  
3 result in increased erosion, without question.

4 BOARD MEMBER HAMLIN: Yes.

5 CHAIRMAN SOUTHERN: It will be from physical  
6 disturbance which involves vegetation removal. And then I  
7 would categorize it as a possible large impact.

8 BOARD MEMBER HAMLIN: Another quote from the  
9 workbook is: Large portion of the development will occur  
10 on steep slopes. Of course, that's true with the road.

11 CHAIRMAN SOUTHERN: This is all related, most of  
12 it. The problem is the road.

13 BOARD MEMBER KASPER: It's a large impact.

14 CHAIRMAN SOUTHERN: Yes.

15 ATTORNEY MOLNAR: Do you recall that your  
16 analysis should include, first bullet: Is the project  
17 required to create and implement a SWPPP?

18 Second bullet: How much of the parcel will have  
19 impervious surfaces?

20 Next bullet is: How much of the parcel will be  
21 physically disturbed or have vegetation removed?

22 Next bullet: What proposed activities can cause  
23 erosion?

24 Next bullet: Are there streams, wetlands, lakes  
25 or steep slopes on the parcel or nearby that could be

- EAF (Part 2) - Question 1 -

1 affected by erosion from the site?

2 And last: What measures are proposed to limit  
3 erosion impacts?

4 CHAIRMAN SOUTHERN: I think that qualifies as a  
5 large impact. With the exception of the streams. The lake  
6 area could definitely be impacted. And we are all taking  
7 about the same thing here. It's the cutting, end of a  
8 road. That's the action that's causing the concern with  
9 these points.

10 BOARD MEMBER WINKELMAN: And the steep slopes  
11 after the road cut are still going to be 30, 50 percent --  
12 some to 100 percent, on the sides of the road. So that's  
13 got potential for it, erosion.

14 CHAIRMAN SOUTHERN: I think we have to designate  
15 that as a large.

16 BOARD MEMBER HAMLIN: I agree.

17 BOARD MEMBER WINKELMAN: Especially with it being  
18 in the context of a watershed.

19 ATTORNEY MOLNAR: And is your decision altered by  
20 the fact that the project is required to obtain a SWPPP?

21 BOARD MEMBER KASPER: Yes. But it's always the  
22 possibility. The large thunderstorms would have all of  
23 those. The SWPPP is not going to work. The large 100-year  
24 rainstorms that we have been getting. They are relying on  
25 the pond, the retention pond to catch everything.

- EAF (Part 2) - Question 1 -

1 CHAIRMAN SOUTHERN: It's still a pond.

2 BOARD MEMBER KASPER: It's still going to erode  
3 in every rainstorm. Nothing is going to keep them from not  
4 eroding.

5 CHAIRMAN SOUTHERN: Right. I agree.

6 MR. ZONA: But I would argue that the shale would  
7 be less potential for erosion. That soil, open soil.  
8 Let's clarify. If you have soil with grass on it, it's not  
9 going to erode. But you're also going to, when you're  
10 done, during construction, yes, there is the potential,  
11 you're correct. But the shale is going to erode a lot less  
12 because it's rock, than open soil.

13 BOARD MEMBER MARSHALL: It's still harder to get  
14 vegetation to grow on it.

15 BOARD MEMBER KASPER: Small, doesn't impact.

16 MR. ZONA: Right. There are measures, you would  
17 seed and top soil it. It's a later question, correct. But  
18 during, the question -- it's the only point I am making.

19 BOARD MEMBER KASPER: -- question, it's a big  
20 potential.

21 MR. ZONA: The only point I am making, the  
22 material you're dealing with is the better of the choices.

23 CHAIRMAN SOUTHERN: I don't know.

24 MR. ZONA: For erosion.

25 CHAIRMAN SOUTHERN: Shale has involved a lot of

- EAF (Part 2) - Question 1 -

1 clay in the mix or other material.

2 MR. ZONA: Generally.

3 CHAIRMAN SOUTHERN: When it washes out, it's  
4 material that is highly movable, transported easily by  
5 water downstream. It's not like gravel. Okay. Do we  
6 agree on large or not?

7 BOARD MEMBER KASPER: Yes.

8 BOARD MEMBER HAMLIN: I do.

9 BOARD MEMBER MARSHALL: Yes.

10 BOARD MEMBER WINKELMAN: Yes.

11 CHAIRMAN SOUTHERN: Okay.

12 ATTORNEY MOLNAR: Moving to Question G.: The  
13 proposed action is, or may be, located in a Coastal Erosion  
14 hazard area?

15 CHAIRMAN SOUTHERN: I don't believe so.

16 ATTORNEY MOLNAR: Or H.: Any other impacts?

17 BOARD MEMBER WINKELMAN: It is located in the  
18 Skaneateles Lake watershed, unfiltered protection. Water  
19 source for 200,000 people. It's unfiltered.

20 ATTORNEY LANGEY: Is that a suggestion? It  
21 should be a "yes" from the members?

22 CHAIRMAN SOUTHERN: No.

23 ATTORNEY MOLNAR: No?

24 CHAIRMAN SOUTHERN: The other comments --

25 BOARD MEMBER WINKELMAN: Not G. Just "other

- EAF (Part 2) - Question 1 -

1 impact."

2 ATTORNEY LANGEY: Okay. We are on H. Sorry.

3 ATTORNEY MOLNAR: H. I think G. was answered. We  
4 do not have a Coastal Erosion area, therefore it's N/A.

5 ATTORNEY LANGEY: Very good.

6 CHAIRMAN SOUTHERN: But there are further impacts  
7 that are stated by Member Winkelman.

8 BOARD MEMBER WINKELMAN: There is potential  
9 adverse impacts because it's such a protected watershed,  
10 Skaneateles Lake.

11 And the other thing I had was that the extent of  
12 the fill area, is an impact on the land. It adds a whole  
13 other area of disturbance that the stuff is getting  
14 relocated to. So that has impact on the watershed as far  
15 as infiltration and stuff that we are trying to do in this  
16 conservation subdivision.

17 CHAIRMAN SOUTHERN: Could we address that --

18 BOARD MEMBER MARSHALL: Yes, we address that?

19 CHAIRMAN SOUTHERN: Later on?

20 BOARD MEMBER MARSHALL: Yes.

21 ATTORNEY MOLNAR: Okay.

22 CHAIRMAN SOUTHERN: Good form, Scott.

23 ATTORNEY MOLNAR: So, the "other" impact proposes  
24 that the proximity of the project to Skaneateles Lake, that  
25 being in the watershed?

- EAF (Part 2) - Question 1 -

1 CHAIRMAN SOUTHERN: Yes.

2 ATTORNEY MOLNAR: Is that a no or small impact  
3 may occur, or a moderate-to-large impact may occur?

4 CHAIRMAN SOUTHERN: Well, which one are you  
5 discussing?

6 BOARD MEMBER KASPER: Under H.

7 BOARD MEMBER HAMLIN: "Other impacts."

8 CHAIRMAN SOUTHERN: Other impacts? Oh, yes. The  
9 possibility is that it could be very large. My idea.  
10 That's for the Board to chime in.

11 BOARD MEMBER WINKELMAN: Definitely moderate or  
12 large.

13 BOARD MEMBER HAMLIN: Moderate to large.

14 CHAIRMAN SOUTHERN: Okay. We have an agreement:  
15 Moderate to large.

16 ATTORNEY MOLNAR: Any other comments from the  
17 Board on that point?

18 (No response.)

19 ATTORNEY MOLNAR: Moving on to Question 2:  
20 Impact on Geological Features. The proposed action may  
21 result in the modification or destruction of, or inhibit  
22 access to any unique or unusual landforms on the site (for  
23 instance, cliffs, dunes, minerals, fossils, caves)?

24 CHAIRMAN SOUTHERN: I believe that would be a no.

25 BOARD MEMBER HAMLIN: A no.

- EAF (Part 2) - Question 2 -

1 BOARD MEMBER KASPER: No.

2 ATTORNEY MOLNAR: The form requires us to move on  
3 to Question 3: Impacts on Surface Water. The proposed  
4 action may affect one or more wetlands or other surface  
5 water bodies? (For instance, streams, rivers, ponds or  
6 lakes)?

7 CHAIRMAN SOUTHERN: Yes.

8 BOARD MEMBER HAMLIN: Yes.

9 BOARD MEMBER MARSHALL: Yes.

10 ATTORNEY MOLNAR: That would be due to the  
11 project empties in Skaneateles Lake?

12 CHAIRMAN SOUTHERN: Skaneateles Lake.

13 ATTORNEY MOLNAR: Answering the example questions  
14 beneath, begins with A.: The proposed action may create a  
15 new water body?

16 BOARD MEMBER HAMLIN: No.

17 CHAIRMAN SOUTHERN: I don't believe so.

18 ATTORNEY MOLNAR: No. B.: The proposed action  
19 may result in an increase or decrease of over 10 percent or  
20 more than of a 10-acre increase or decrease in the surface  
21 area of any body of water?

22 CHAIRMAN SOUTHERN: No.

23 BOARD MEMBER HAMLIN: No.

24 ATTORNEY MOLNAR: It's impossible to calculate.

25 Question, or sub-question C.: The proposed action may

- EAF (Part 2) - Question 2 -

1 involve dredging more than 100 cubic yards of a material  
2 from a wetland or water body?

3 BOARD MEMBER HAMLIN: No.

4 CHAIRMAN SOUTHERN: No.

5 BOARD MEMBER MARSHALL: No.

6 ATTORNEY MOLNAR: Question D.: The proposed  
7 action may involve construction within or adjoining a  
8 freshwater or tidal wetland, or in the bed or banks of any  
9 other water body?

10 BOARD MEMBER KASPER: No.

11 CHAIRMAN SOUTHERN: No.

12 BOARD MEMBER WINKELMAN: Are there wetlands up  
13 top?

14 BOARD MEMBER KASPER: Yes.

15 MR. BRODSKY: On the perimeter.

16 MR. EGGLESTON: The very east end.

17 ATTORNEY MOLNAR: No. Proposed -- the soils  
18 would never?

19 MR. ZONA: No.

20 ATTORNEY MOLNAR: Sub-question E.: The proposed  
21 action may create turbidity in a water body, either from  
22 upland erosion, run-off or by disturbing bottom sediments?

23 CHAIRMAN SOUTHERN: Yes.

24 BOARD MEMBER HAMLIN: Yes, large. Large.

25 ATTORNEY MOLNAR: I ask you to please articulate

- EAF (Part 2) - Question 2 -

1 your rationale for that?

2 BOARD MEMBER HAMLIN: Runoff from the road.  
3 We've already seen examples of that in the past. Although,  
4 there are major -- in place to address it.

5 BOARD MEMBER WINKELMAN: Not only the road, the  
6 road cut as well. I think it's going to be very difficult  
7 to vegetate those steep slopes. And so, there is potential  
8 for sedimentation.

9 ATTORNEY MOLNAR: Erosion?

10 BOARD MEMBER WINKELMAN: Yes.

11 ATTORNEY MOLNAR: The Board feels that's a  
12 moderate-to-large impact?

13 CHAIRMAN SOUTHERN: Yes.

14 BOARD MEMBER HAMLIN: Yes.

15 ATTORNEY MOLNAR: Moving on to Question F.: The  
16 proposed action may include construction of one or more  
17 intakes for withdrawal of water from surface water?

18 BOARD MEMBER WINKELMAN: No.

19 CHAIRMAN SOUTHERN: I don't -- no.

20 BOARD MEMBER MARSHALL: No.

21 ATTORNEY MOLNAR: That's not in the project. The  
22 sub-question G.: The proposed action may include  
23 construction of one or more outfalls for discharge of  
24 wastewater to surface waters?

25 CHAIRMAN SOUTHERN: No.

- EAF (Part 2) - Question 2 -

1 ATTORNEY MOLNAR: There is already one  
2 constructed on-site.

3 MR. ZONA: We don't have any wastewater. It's  
4 all going to be subsurface.

5 ATTORNEY MOLNAR: H.: The proposed action may  
6 cause soil erosion or otherwise create a source of  
7 stormwater discharge that may lead to siltation or other  
8 degradation of receiving water bodies?

9 CHAIRMAN SOUTHERN: Yes.

10 BOARD MEMBER HAMLIN: Yes.

11 BOARD MEMBER KASPER: Yes.

12 CHAIRMAN SOUTHERN: Large.

13 BOARD MEMBER HAMLIN: Large.

14 ATTORNEY MOLNAR: Is your rationale the same as  
15 it was for E above?

16 BOARD MEMBER HAMLIN: Correct.

17 ATTORNEY MOLNAR: Turbidity and water? Thank  
18 you, Betty. And water?

19 CHAIRMAN SOUTHERN: Yes.

20 ATTORNEY MOLNAR: Thank you.

21 CHAIRMAN SOUTHERN: I might just note, in  
22 discussing this, we have seen the action of previous  
23 construction on this site, and its impact on the water. So  
24 we know for a fact what can happen in the case of heavy  
25 runoff from this site, with a much smaller cut that was

- EAF (Part 2) - Question 2 -

1 made to create the original road, as compared to this large  
2 cut that's being made to accommodate a conforming road.

3 MR. EGGLESTON: At the same time, you have to  
4 consider that that project you're referring to was a virgin  
5 cut, with no stormwater management practices in place.  
6 Whereas, we have now an established, properly working  
7 stormwater retention. Also the contractor doing that work  
8 didn't follow the plans, and had created a condition that  
9 was greater than what should have been.

10 MR. ZONA: You should also note -- and also,  
11 actually, the source of the contamination is up for debate.  
12 And that's recorded in the DEC's stormwater management  
13 reports for that project. All that runoff is not  
14 necessarily dedicated to the Hidden Estates project.

15 CHAIRMAN SOUTHERN: It may not all be the reason  
16 for it. There was --

17 MR. ZONA: It for sure was not. But you're  
18 right.

19 CHAIRMAN SOUTHERN: It did have an impact. Did  
20 it put silt in the lake?

21 MR. ZONA: Yes. The DEC was out here and we had  
22 to do a SWPPP.

23 CHAIRMAN SOUTHERN: All things that Bob addressed  
24 are the reasons that shouldn't have gone.

25 MR. ZONA: Right. We agree.

- EAF (Part 2) - Question 3 -

1 CHAIRMAN SOUTHERN: That's why we are very  
2 concerned.

3 MR. EGGLESTON: The difference is there is  
4 already a best management facility in place.

5 CHAIRMAN SOUTHERN: That could be argued, Bob,  
6 later.

7 ATTORNEY MOLNAR: For purposes of the question, I  
8 just recommend that we focus on the Question 3: Proposed  
9 action may affect one or more wetlands or other surface  
10 water. We are moving down. We were at G. Excuse me. H.:  
11 The proposed action may cause soil erosion or otherwise  
12 create a source of stormwater discharge that may lead to  
13 siltation, or other degradation of the receiving water  
14 body?

15 CHAIRMAN SOUTHERN: We agreed that it was large.

16 BOARD MEMBER HAMLIN: Yes. Large.

17 ATTORNEY MOLNAR: Agreed. That it was large.  
18 And formed your, at least, your factors by which you came  
19 to that conclusion?

20 CHAIRMAN SOUTHERN: Right.

21 ATTORNEY MOLNAR: Moving on to Section I: The  
22 proposed action may effect the water quality of any water  
23 bodies within or downstream of the site of the proposed  
24 action?

25 CHAIRMAN SOUTHERN: Guess we have to say the

- EAF (Part 2) - Question 3 -

1 runoff affects the quality of the water, a lot of people  
2 would argue, downstream.

3 BOARD MEMBER KASPER: In the lake.

4 CHAIRMAN SOUTHERN: Downstream is the lake. We  
5 know that sediment at the bottom of the lake causes all  
6 sorts of problems. It may affect the water quality, you  
7 know. The recent experience we have had with the algae  
8 growths, those are all credited to sediment.

9 BOARD MEMBER WINKELMAN: And nutrient loading,  
10 yes.

11 CHAIRMAN SOUTHERN: Sediment from this aspect,  
12 not concerned with the nutrients.

13 ATTORNEY MOLNAR: Is that it may affect. Is that  
14 effect small, no, or small impact, or moderate-to-large  
15 impact?

16 BOARD MEMBER HAMLIN: In the context of the lake,  
17 it would seem small.

18 BOARD MEMBER WINKELMAN: I thought you were going  
19 to say this is a protected watershed.

20 BOARD MEMBER HAMLIN: I think I understand what  
21 you're saying.

22 BOARD MEMBER WINKELMAN: It's an unfiltered  
23 source of drinking water, and all of that, not only for the  
24 City of Syracuse outtakes, but for the residents on the  
25 shore right there. Many of them have their lines directly

- EAF (Part 2) - Question 3 -

1 in the lake.

2 CHAIRMAN SOUTHERN: That's true.

3 BOARD MEMBER WINKELMAN: So I have got to think  
4 it's moderate to large.

5 CHAIRMAN SOUTHERN: I agree. Moderate to large.

6 BOARD MEMBER KASPER: That too. Plus the change  
7 in the use of the land with residential houses,  
8 fertilizing, weed killer put on the lawn, it's going to  
9 affect the lake.

10 BOARD MEMBER HAMLIN: It comes up later.

11 BOARD MEMBER MARSHALL: We have to consider how  
12 long the moderate-to-large impacts, potentially, given the  
13 construction and having the road. It's fairly long-term?

14 CHAIRMAN SOUTHERN: Very large. There is  
15 flooding and there is stream drainage. And there is a lot  
16 of siltation put into the lake. That's a forever.

17 BOARD MEMBER MARSHALL: How long do you imagine  
18 it would take to get growth back on those slopes, if that?

19 MR. ZONA: If we do it, it depends on the time of  
20 the year. But it's usually, if you do it, if you seed in  
21 the fall, it's over the winter. But then you don't get the  
22 runoff. Do you know what I mean? It's frozen. If you do  
23 seed in the spring or fall, it takes a couple of weeks,  
24 maybe a month.

25 ATTORNEY LANGEY: But you would have erosion

- EAF (Part 2) - Question 3 -

1 measures in place. Mats and all of that.

2 MR. ZONA: Yes. It's all part of the SWPPP.

3 ATTORNEY LANGEY: All be subject to review by the  
4 town engineer and the DEC, or where applicable.

5 CHAIRMAN SOUTHERN: Okay. Go on.

6 ATTORNEY MOLNAR: Next sub-question is J.: The  
7 proposed action may involve the application of pesticides  
8 or herbicides in and around the water bodies -- or any  
9 water body?

10 BOARD MEMBER WINKELMAN: Quite a distance away,  
11 but.

12 ATTORNEY LANGEY: Not proposing pesticides.  
13 There is none proposed.

14 BOARD MEMBER HAMLIN: By homeowners?

15 BOARD MEMBER WINKELMAN: That's small.

16 CHAIRMAN SOUTHERN: The developer is not planning  
17 to put down pesticides or herbicides. That, I know of.  
18 You're not going to clear with that, are you?

19 ATTORNEY LANGEY: No.

20 ATTORNEY MOLNAR: Not on the conservation value  
21 land. I believe it's not permitted according to the draft  
22 document submitted by the Applicant.

23 CHAIRMAN SOUTHERN: You wouldn't put it on the  
24 shale and kill everything up there?

25 BOARD MEMBER WINKELMAN: A long-term with the

- EAF (Part 2) - Question 3 -

1 lawns is small, no-to-small.

2 CHAIRMAN SOUTHERN: No-to-small.

3 ATTORNEY MOLNAR: Sub-question K.: The proposed  
4 action may require the construction of new or expansion of  
5 existing wastewater treatment facilities?

6 CHAIRMAN SOUTHERN: No.

7 BOARD MEMBER KASPER: No.

8 ATTORNEY MOLNAR: Single-family residential don't  
9 apply?

10 BOARD MEMBER WINKELMAN: Yes.

11 CHAIRMAN SOUTHERN: We are not putting in a  
12 sewage treatment plant. It's individual, self.  
13 Sub-surface systems.

14 ATTORNEY MOLNAR: Thank you. And L: Any other  
15 impacts?

16 BOARD MEMBER WINKELMAN: I have always been  
17 somewhat concerned, hydrologically, with sensitive slopes.  
18 Once you cut into these shale slopes, there seems to be  
19 seeps all the time. And you kind of disrupt the natural  
20 groundwater, so that there is some extra flow and stuff  
21 coming from the groundwater that may be potential impact.

22 MR. ZONA: That would already be happening since  
23 we cut into that the last time with that last project.  
24 Every time you go up there, I don't think you see water in  
25 that ditch unless it rains. I would say that's probably

- EAF (Part 2) - Question 3 -

1 not the case there.

2 BOARD MEMBER WINKELMAN: Yes.

3 MR. CAMP: You're cutting deeper and adding new  
4 spots.

5 MR. ZONA: Not far from where you're at. You're  
6 shaving all that knob a little bit.

7 MR. CAMP: Where the road hooks around, you're  
8 going down quite a ways there.

9 ATTORNEY MOLNAR: Does it make a difference that  
10 there are also nine proposed building sites with  
11 foundations?

12 BOARD MEMBER WINKELMAN: Not particularly, no.  
13 It was the road that I was mostly concerned about, the cut  
14 in the road on the steep slopes.

15 MR. ZONA: If you were going to see that, I think  
16 you would see it, driving up on the left side of the road  
17 as you drive up because, already cut that.

18 CHAIRMAN SOUTHERN: The problem is you may see  
19 it. We don't see it now. We may see it in the future. We  
20 may not see --

21 BOARD MEMBER KASPER: Also in the road ditch,  
22 yes, small or.

23 BOARD MEMBER WINKELMAN: Small. Okay.

24 BOARD MEMBER MARSHALL: Yes.

25 CHAIRMAN SOUTHERN: Okay.

- EAF (Part 2) - Question 4 -

1           ATTORNEY MOLNAR: Moving on to Question 4:  
2           Impact on Groundwater. The proposed action may result in  
3           new or additional use of groundwater, or may have the  
4           potential to introduce contaminants to groundwater or an  
5           aquifer?

6           BOARD MEMBER WINKELMAN: I would say the  
7           potential is there.

8           BOARD MEMBER MARSHALL: Yes.

9           BOARD MEMBER WINKELMAN: You have got the next  
10          report.

11          ATTORNEY MOLNAR: Answer the sub-questions  
12          presented, beginning with A.: The proposed action may  
13          require new water supply wells, or create additional demand  
14          on supplies from existing water supply wells?

15          CHAIRMAN SOUTHERN: Yes, it will.

16          BOARD MEMBER MARSHALL: Yes.

17          CHAIRMAN SOUTHERN: I don't know what impacts.

18          BOARD MEMBER KASPER: I have got to say it's  
19          small.

20          BOARD MEMBER HAMLIN: Small.

21          BOARD MEMBER KASPER: All the information he gave  
22          from the well drillers.

23          BOARD MEMBER HAMLIN: The well drillers.

24          MR. ZONA: Hydrologist.

25          BOARD MEMBER WINKELMAN: But still, I have

- EAF (Part 2) - Question 4 -

1 reviewed some of the Onondaga County plans, the "Framework  
2 for Growth," and they talk about that groundwater is  
3 difficult to get in the southern part of Onondaga County.  
4 And even when, you know, especially out of the bedrock,  
5 groundwater is especially unreliable in there, in the south  
6 part of the County.

7 And even if a well yields acceptable quantities  
8 and quality, water availability may be affected by  
9 subsequent well drilling by new residents, or by periods of  
10 drought conditions. It says it in the "Framework for  
11 Growth, 1997." So, I just, think that there could be some  
12 potential for some adverse effects.

13 And the other thing was I thought that the guy  
14 who did the study from Homer down there, stated that he was  
15 thinking they were drilling wells all over the 80 acres.  
16 And the houses are somewhat clustered.

17 ATTORNEY MOLNAR: Is this the Geo-Logic?

18 BOARD MEMBER WINKELMAN: Yes.

19 BOARD MEMBER HAMLIN: He mentioned the nine  
20 homes.

21 BOARD MEMBER KASPER: They are large, large lots,  
22 still within an acre lot.

23 ATTORNEY LANGEY: Recharge area.

24 ATTORNEY MOLNAR: There was a recharge. But one  
25 thing that my observation on that was the final conclusion:

- EAF (Part 2) - Question 4 -

1 "It is our professional opinion that sufficient groundwater  
2 recharge occurs at the property, and upgradient to support  
3 the development of nine residential homes."

4 "However, it could be anticipated that the  
5 individual well yields may vary to the due to the nature of  
6 the site geology."

7 Next sentence, "In the event that low yields are  
8 encountered, it may be necessary to incorporate a storage  
9 component into the water supply system."

10 BOARD MEMBER HAMLIN: I think Rudy mentioned  
11 that before.

12 ATTORNEY LANGEY: We discussed that before.

13 MR. ZONA: I think the drillers did, as well.

14 BOARD MEMBER HAMLIN: Maybe one of the engineers  
15 can help me out. It seems to account for water recharge,  
16 the water. And water that evaporates or transpires from  
17 plants but not runoff. There has got to be some water that  
18 falls.

19 MR. ZONA: I think he did mention that somewhere.

20 ATTORNEY MOLNAR: It was a percentage of that.

21 MR. ZONA: Yes.

22 ATTORNEY MOLNAR: It was going to run off or a  
23 percentage could be retained.

24 BOARD MEMBER HAMLIN: Oh, took that out?

25 ATTORNEY MOLNAR: Yes, it was on page 2.

- EAF (Part 2) - Question 4 -

1 Groundwater potential. Total acreage, 79 acres.  
2 Residences, nine. Water usage per home. Then average  
3 annual prescription.

4 BOARD MEMBER HAMLIN: Yes.

5 ATTORNEY MOLNAR: From the 41.5. Assuming 41.5  
6 of inches or water equivalent precipitation falls on the 79  
7 acres, this equates to approximately 89 million gallons per  
8 year. And if it is assumed that 20 percent of the  
9 precipitation is removed from the system by runoff, this  
10 leaves approximately 71 million gallons.

11 BOARD MEMBER HAMLIN: Got it. Thank you.

12 BOARD MEMBER MARSHALL: I don't think anybody has  
13 a serious concern about that.

14 BOARD MEMBER KASPER: No.

15 BOARD MEMBER HAMLIN: The more reports we got,  
16 the better it got.

17 BOARD MEMBER WINKELMAN: So the two sites that  
18 are up there now, Nangle reportedly gets approximately four  
19 gallons a minute; and Weaver, two gallons per minute.  
20 Which are less than the recommended five gallons per minute  
21 standard. That doesn't concern anybody?

22 BOARD MEMBER MARSHALL: I felt a little  
23 conflicted by that, the report, and the drillers. That all  
24 sounded good. The potential for drought. In speaking with  
25 homeowners, I think it sounded a little more conflicted in

1 terms of the quality of the water. And the one was murky,  
2 and not as much supply. So, that was my only concern with,  
3 I felt it was a little conflicting. But, listening to the  
4 professionals that evaluated it, they say they don't have  
5 concerns.

6 MR. CAMP: Well, their concerns are essentially  
7 they are saying you could mitigate it with treatment and  
8 storage.

9 BOARD MEMBER KASPER: Storage.

10 MR. ZONA: We should all remember, that one of  
11 the homeowners brought in a sample. But after that, they  
12 admitted that they had been using their water to irrigate  
13 their lawns. Which a lot of these drillers are saying they  
14 are not supposed to. Who knows what kind of sediment got  
15 there in the system by not using that well properly?

16 CHAIRMAN SOUTHERN: So that sediment is coming  
17 out of the shale?

18 MR. ZONA: It could, if you drain it down too  
19 quickly, yes.

20 CHAIRMAN SOUTHERN: That's always there.

21 MR. ZONA: Yes.

22 CHAIRMAN SOUTHERN: That flows downhill too,  
23 right?

24 MR. ZONA: As far as I know. When you and I  
25 figure out how it goes uphill, we will go in business

- EAF (Part 2) - Question 4 -

1 together.

2 CHAIRMAN SOUTHERN: I have got a truck I can sell  
3 you.

4 All right. So that's small?

5 ATTORNEY MOLNAR: 4-A. is: No or small impact  
6 may occur?

7 CHAIRMAN SOUTHERN: Correct.

8 ATTORNEY MOLNAR: B.: Water supply demands from  
9 the proposed action may exceed safe and sustainable  
10 withdrawal capacity rate of the local water supply or  
11 aquifer?

12 CHAIRMAN SOUTHERN: According to the drillers --  
13 according to the drillers, no.

14 BOARD MEMBER KASPER: Small impact.

15 CHAIRMAN SOUTHERN: This would be a small impact.

16 ATTORNEY MOLNAR: C.: The proposed action may  
17 allow or result in residential uses in areas without water  
18 and sewer services? I think that's a yes.

19 BOARD MEMBER MARSHALL: Yes.

20 CHAIRMAN SOUTHERN: Yes.

21 ATTORNEY MOLNAR: Is it a small impact or is it a  
22 moderate-to-large impact?

23 CHAIRMAN SOUTHERN: What's the impact? The  
24 proposed action may allow or result in residential uses?  
25 Yes.

- EAF (Part 2) - Question 4 -

1 ATTORNEY MOLNAR: In areas without water.

2 BOARD MEMBER KASPER: Yes.

3 MR. ZONA: Without water or sewer services.

4 ATTORNEY MOLNAR: Water or sewer services? What  
5 do you mean by that, you would mean public water?

6 MR. CAMP: Right.

7 ATTORNEY MOLNAR: Is it the Board's determination  
8 that's a small impact?

9 CHAIRMAN SOUTHERN: Yes.

10 BOARD MEMBER HAMLIN: Yes.

11 ATTORNEY MOLNAR: Sub-question D.: The proposed  
12 action may include or require wastewater discharged to  
13 groundwater?

14 CHAIRMAN SOUTHERN: I don't believe so, no.

15 ATTORNEY MOLNAR: I think that's a no by --

16 MR. ZONA: I have to be two feet from  
17 groundwater. I have to be two feet separated by  
18 groundwater with my septic. That's a no -- should be a no.

19 ATTORNEY MOLNAR: E.: The proposed action may  
20 result in the construction of water supply wells in  
21 locations where groundwater is, or suspected to be  
22 contaminated?

23 CHAIRMAN SOUTHERN: It's not contaminated.

24 BOARD MEMBER KASPER: No.

25 CHAIRMAN SOUTHERN: It would be no.

- EAF (Part 2) - Question 4 -

1           ATTORNEY MOLNAR: F.: The proposed action may  
2 require the bulk storage of petroleum or chemical products  
3 over groundwater or an aquifer?

4           BOARD MEMBER KASPER: No.

5           ATTORNEY MOLNAR: G: The proposed action may  
6 involve the commercial application of pesticides within 100  
7 feet of potable drinking water or irrigation sources?

8           BOARD MEMBER KASPER: No.

9           ATTORNEY MOLNAR: H.: Any other impacts?  
10 (No response.)

11           ATTORNEY MOLNAR: Hearing nothing, I recommend we  
12 move on to the next question.

13           5, Impact on Flooding: The proposed action may  
14 result in development on lands subject to flooding?

15           CHAIRMAN SOUTHERN: I don't think so.

16           BOARD MEMBER KASPER: No.

17           CHAIRMAN SOUTHERN: Because it's drained pretty  
18 good down there.

19           ATTORNEY MOLNAR: And for this.

20           CHAIRMAN SOUTHERN: It's no.

21           ATTORNEY MOLNAR: This determination, the  
22 Goldman lot, on East Lake or 41, is not part of the overall  
23 project.

24           CHAIRMAN SOUTHERN: No.

25           ATTORNEY MOLNAR: Nothing. On to Question 6:

- EAF (Part 2) - Question 6 -

1 Impacts on Air. The proposed action may include a state  
2 related air emission source?

3 CHAIRMAN SOUTHERN: I don't think so, no.

4 BOARD MEMBER HAMLIN: No.

5 BOARD MEMBER KASPER: No.

6 ATTORNEY MOLNAR: 7: Impacts on Plants and  
7 Animals. The proposed action may result in a loss of flora  
8 or fauna?

9 CHAIRMAN SOUTHERN: Yes.

10 BOARD MEMBER MARSHALL: Yes.

11 ATTORNEY MOLNAR: That's --

12 CHAIRMAN SOUTHERN: Small to --

13 ATTORNEY MOLNAR: Removed vegetation to  
14 accommodate the roadway?

15 CHAIRMAN SOUTHERN: Yes. And houses.

16 ATTORNEY MOLNAR: So moving on, the sub-questions  
17 beneath that, A.: The proposed action may cause reduction  
18 in population or loss of individuals of any threatened or  
19 endangered species, as listed by New York State or the  
20 Federal government, that use the site or are found on,  
21 over, or near the site?

22 BOARD MEMBER KASPER: No.

23 ATTORNEY MOLNAR: B.: The proposed action may  
24 result in a reduction or degradation of any habitat used by  
25 any rare, threatened or endangered species as listed by New

- EAF (Part 2) - Question 7 -

1 York State or the Federal government?

2 CHAIRMAN SOUTHERN: No.

3 ATTORNEY MOLNAR: C.: The proposed action may  
4 cause reduction in population or loss of individuals, of  
5 any species of special concern or conservation need, as  
6 listed by New York State or the Federal government that use  
7 the site, or are found on, over or near the site?

8 BOARD MEMBER KASPER: No.

9 ATTORNEY MOLNAR: D.: The proposed action may  
10 result in a reduction or degradation of any habitat used by  
11 any species of special concern and conservation need, as  
12 listed by New York State or the Federal government?

13 BOARD MEMBER KASPER: No.

14 ATTORNEY MOLNAR: E.: The proposed action may  
15 diminish the capacity of a Registered National Natural  
16 Landmark to support the biological community it was  
17 established to protect?

18 CHAIRMAN SOUTHERN: No.

19 BOARD MEMBER KASPER: No.

20 ATTORNEY MOLNAR: F.: The proposed action may  
21 result in the removal of or groundwater disturbance in any  
22 portion of a designated significant natural community?

23 CHAIRMAN SOUTHERN: Designated? Designated?

24 It's not no, I don't think so.

25 BOARD MEMBER KASPER: No.

- EAF (Part 2) - Question 7 -

1 CHAIRMAN SOUTHERN: Based on the fact that it's  
2 not a designated.

3 ATTORNEY MOLNAR: Significant natural.

4 CHAIRMAN SOUTHERN: It's a significant. It has  
5 significance in the Town of Skaneateles. But it's not a  
6 designated significance.

7 ATTORNEY MOLNAR: Next sub-question is G.: The  
8 proposed action may substantially interfere with the  
9 nesting or breeding, foraging or over-wintering habitat for  
10 the predominant species that occupy or use the project  
11 site?

12 BOARD MEMBER KASPER: No.

13 CHAIRMAN SOUTHERN: No.

14 ATTORNEY MOLNAR: H.: The proposed action  
15 requires the conversion of more than ten acres of forest,  
16 grasslands or any other regionally or locally important  
17 habitat?

18 BOARD MEMBER KASPER: No.

19 CHAIRMAN SOUTHERN: Doesn't it convert just for  
20 the houses themselves, the cuts?

21 MR. EGGLESTON: Building envelope is 7.85.

22 CHAIRMAN SOUTHERN: Pardon me, Bob.

23 MR. EGGLESTON: The building envelopes are 7.85.

24 CHAIRMAN SOUTHERN: Even by the time --

25 MR. EGGLESTON: Seven acres of building

- EAF (Part 2) - Question 7 -

1 envelopes, total.

2 ATTORNEY MOLNAR: Total, what, the overall  
3 acreage of the roadway?

4 CHAIRMAN SOUTHERN: Okay.

5 MR. EGGLESTON: The roadway is 1.9.

6 BOARD MEMBER KASPER: Which is already there.

7 That's why we were setting up a conservation area.

8 ATTORNEY MOLNAR: Okay.

9 CHAIRMAN SOUTHERN: Let these kids go home early?

10 ATTORNEY LANGEY: Make them stay.

11 (Pause for signing student permission slips.)

12 ATTORNEY MOLNAR: Moving on to sub-question L:  
13 The proposed action requires the conversion of more than  
14 ten acres of forest, grassland or any other regionally or  
15 locally important habitat?

16 BOARD MEMBER KASPER: No.

17 BOARD MEMBER HAMLIN: No.

18 ATTORNEY MOLNAR: I.: The proposed action  
19 (commercial, industrial or recreational projects, only)  
20 involves use of herbicides or pesticides?

21 BOARD MEMBER KASPER: No.

22 CHAIRMAN SOUTHERN: No. That whole thing results  
23 in no.

24 BOARD CLERK: Yes?

25 CHAIRMAN SOUTHERN: I want to go back and change

- EAF (Part 2) - Question 7 -

1 the yes to a no.

2 BOARD MEMBER HAMLIN: I have got an "Other."

3 ATTORNEY MOLNAR: J.: Other?

4 BOARD MEMBER HAMLIN: I don't know where to fit  
5 this in. I am asking it here. I am looking for some  
6 understanding of how the stockpile of the wastes from the  
7 road is going to be stored and treated, while we are on it.  
8 How that, what impact that might have?

9 MR. ZONA: I prepared a little grading plan. I  
10 think that got submitted, a plan, plan to take lot 11, and  
11 stockpile it up there. Do three-on-one, or four-on-one  
12 slope. And then, I can go through it a little bit with  
13 you.

14 MR. CAMP: It would basically cover the building  
15 envelope.

16 MR. ZONA: It will cover the whole area there.  
17 But you have got to keep in mind these are ten foot  
18 contours. These are ten feet higher than that. So it's  
19 going to be, in plan view, it's going to be a footprint  
20 that looks like that.

21 But, in profile view, it's going to be flat like  
22 this, with a steeper side, one side. They will pile it  
23 like that. And grade it off. And then the top soil be  
24 will be on the one side. The shale will be on the other.  
25 When they need it for the other lots, they come get it.

- EAF (Part 2) - Question 7 -

1 MR. EGGLESTON: And basically, it's kept in  
2 steeper piles, temporarily, until it's determined that  
3 there is no more.

4 MR. ZONA: Right. It's all within an area of  
5 about an acre.

6 MR. EGGLESTON: The 18,000 cubic feet was as if  
7 none was going to be used on any of the other lots.

8 MR. ZONA: Right. I also took the liberty of  
9 pulling up a couple of items on -- and I sent a letter  
10 in -- I don't know, has everybody seen that?

11 BOARD MEMBER HAMLIN: Yes.

12 MR. ZONA: That's Upstate Bone & Joint, which is  
13 about a half mile up the road from my office. The whole  
14 pile next to the pond is about 20,000 cubic yards. That's  
15 about how big that is. We did that seven or eight years  
16 ago. And you know, now it looks like a big metal -- you  
17 could see it from 481. There are some pictures there. And  
18 if you bring up Google Earth, you can look at it right from  
19 481. You could see the scope of it. It's not imposing.  
20 It's a big pile of soil.

21 MR. BRODSKY: Rudy, do you describe how this  
22 gravel, shale pile behaves in terms of drainage?

23 MR. ZONA: Shale, it will lock in with one  
24 another. It will pile up three-to-one or four-to-one side  
25 slope, so it's not going to slough.

- EAF (Part 2) - Question 7 -

1 MR. BRODSKY: Is the stormwater or waste water  
2 going to run off or penetrate?

3 MR. ZONA: A little of both.

4 CHAIRMAN SOUTHERN: A lot?

5 MR. ZONA: I mean, the shale is going to be --  
6 you're going to have a lot of voids in there to go. You  
7 have got 12 to 15 feet high pile of shale. So there is  
8 tons of voids in there. I imagine that none is going to  
9 leak out the bottom. But you still have to treat it like a  
10 soil stockpile. You have to have a silt fence and stuff  
11 around it, so nothing is going to leak around it.

12 MR. EGGLESTON: If it's planted like rye grass,  
13 you --

14 MR. ZONA: -- that Bone & Joint.

15 CHAIRMAN SOUTHERN: Okay. Next?

16 BOARD MEMBER WINKELMAN: I thought that was a  
17 pile of bones and joints.

18 (Off the Record discussion.)

19 CHAIRMAN SOUTHERN: We are going to mark that  
20 section a "no"?

21 BOARD MEMBER KASPER: Yes.

22 BOARD MEMBER WINKELMAN: That's what I had.

23 CHAIRMAN SOUTHERN: Section 7?

24 ATTORNEY MOLNAR: Yes. Moving on to Question 8:  
25 Impact on Agricultural Resources. The proposed action may

- EAF (Part 2) - Question 8 -

1 impact agricultural resources. Is it a yes or a no?

2 BOARD MEMBER WINKELMAN: I would say no.

3 CHAIRMAN SOUTHERN: No, I don't believe it does.

4 BOARD MEMBER KASPER: No.

5 ATTORNEY MOLNAR: It's not in the district.

6 BOARD MEMBER WINKELMAN: It's too steep a slope.

7 It was out of agriculture for years.

8 ATTORNEY MOLNAR: Any other comments from the

9 Board?

10 CHAIRMAN SOUTHERN: No.

11 ATTORNEY MOLNAR: Moving to Question 9: Impact  
12 on Aesthetic Resources. The land use of the proposed  
13 action are obviously different from or are in sharp  
14 contrast to current land use patterns between the proposed  
15 project and a scenic or aesthetic resource?

16 BOARD MEMBER WINKELMAN: I would have to say yes.

17 BOARD MEMBER KASPER: Let's go to the question.

18 ATTORNEY MOLNAR: For guidance.

19 BOARD MEMBER WINKELMAN: I think, yes, I have got  
20 to consider.

21 CHAIRMAN SOUTHERN: The word "between" is what  
22 bugs me.

23 ATTORNEY MOLNAR: Guidance from the DEC workbook.

24 (Reading:) This question explores consistency in land use  
25 between the proposed project and other land uses that may

1 be seen from or part of a scenic or aesthetic resource. It  
2 is oriented to those scenic and aesthetic resources that  
3 are officially designated and publicly accessible.  
4 Officially designated scenic areas include scenic byways,  
5 scenic roads, scenic areas of statewide significance,  
6 scenic trails and scenic rivers. Other designated areas  
7 may also include places or sites listed on the National or  
8 State Register of Historic places, State Parks, State  
9 Forest Preserve areas, State Game Refuges, National Natural  
10 Landmarks and National Park Service lands. Note that other  
11 areas may also be designated for scenic and aesthetic  
12 reasons at the local level. For example, some local  
13 municipalities have conducted their own scenic inventory,  
14 and have designated those areas in county or local plans,  
15 and may include municipal parks and designated open spaces,  
16 local roads, or historic areas. Others have designated  
17 critical environmental areas for aesthetic reasons.

18 BOARD MEMBER WINKELMAN: I have submitted, a  
19 little bit over the last year, pictures that I have taken  
20 of the site as it is now that was very visible from much of  
21 the lake and the west side of the town around the lake.

22 And my last one was from the golf course, up  
23 here. And you could distinctively see the driveway cut,  
24 and the two houses up there on the hill from the west side,  
25 just south of the village, on the hillside.

- EAF (Part 2) - Question 9 -

1           So, the proposed road is going to be four  
2           and-a-half times the size of the existing road. There is  
3           not going to be two or three homes up on the hill. There  
4           are going to be eleven homes altogether. So, I think  
5           obviously, if they are selling home sites with lake views,  
6           people from the lake and the other side of the lake are  
7           going to be able to see them. And I think it is a yes that  
8           we should review this section.

9           CHAIRMAN SOUTHERN: Yes, I think we should.

10          BOARD MEMBER MARSHALL: Agree.

11          CHAIRMAN SOUTHERN: Yes.

12          ATTORNEY MOLNAR: Moving on to the sub-question,  
13          A.: Proposed action may be visible from any officially  
14          designated federal, state or local scenic or aesthetic  
15          resource.

16          BOARD MEMBER HAMLIN: Is the lake officially  
17          designated locally? I would say yes.

18          BOARD MEMBER KASPER: Yes.

19          CHAIRMAN SOUTHERN: A-hum.

20          ATTORNEY MOLNAR: Is it a small impact, or  
21          moderate to large?

22          BOARD MEMBER WINKELMAN: I think it's small now.  
23          But it's going to be moderate to large when it gets built.

24          BOARD MEMBER KASPER: Yes.

25          BOARD MEMBER HAMLIN: Yes. The workbook -- one

- EAF (Part 2) - Question 9 -

1 of the bullet points: The project is not in sharp contrast  
2 to existing land uses, but it is very visible.

3 CHAIRMAN SOUTHERN: Right.

4 BOARD MEMBER HAMLIN: I would say that would be  
5 true.

6 CHAIRMAN SOUTHERN: Do you want to categorize it,  
7 large or small?

8 MR. EGGLESTON: I question the visibility.  
9 Because the houses are on a flat plateau. What has been  
10 visible is when they cut in the new road. Yes, it was very  
11 visible before it got vegetated. Once it got vegetated,  
12 it's blended in with the rest.

13 And when you say that, well, now the road is four  
14 and-a-half times bigger, but the road's in the same place,  
15 it's five feet wider.

16 MR. ZONA: And lower.

17 MR. EGGLESTON: And lower. But you're not going  
18 to see the new part, four and-a-half times bigger road,  
19 because it's all flat. And it's not, it's not on the  
20 vertical.

21 BOARD MEMBER WINKELMAN: I was talking about the  
22 cut. The cut is four and-a-half times as big as the cut in  
23 the hill now. That's what's so visible even to today. How  
24 many years ago was that built, and it's still an eyesore?

25 THE APPLICANT: That is not true.

- EAF (Part 2) - Question 9 -

1 MR. EGGLESTON: We have a hard time seeing that,  
2 when you look at photographs from the other side.

3 ATTORNEY MOLNAR: Question A.: The proposed  
4 action may be visible from any officially designated  
5 federal, state or local scenic or aesthetic resource?

6 Is that a small impact or is it moderate to  
7 large?

8 ATTORNEY LANGEY: Was it an officially designated  
9 resource?

10 ATTORNEY MOLNAR: A local scenic or aesthetic  
11 resource is Skaneateles Lake, under the Comprehensive Plan.  
12 Would the Board agree with that?

13 CHAIRMAN SOUTHERN: Sections of West Lake Road,  
14 too. I can't remember.

15 ATTORNEY MOLNAR: Is that also born out by the  
16 conservation analysis that was presented, given the views  
17 that were utilized for that conservation?

18 MR. EGGLESTON: Could we go to the view portions  
19 of that?

20 BOARD MEMBER WINKELMAN: There is one from the  
21 road.

22 MR. EGGLESTON: (Indicating.) So there is a  
23 limited area of not even half the proposed home sites from  
24 West Lake Road.

25 THE APPLICANT: A view from West Lake.

- EAF (Part 2) - Question 9 -

1           ATTORNEY MOLNAR: But the conclusion of that  
2 overall slide is that there is critical or there is  
3 conservation value. If you put it back, Karen?

4           MR. EGGLESTON: Moderate conservation value, from  
5 one to two, and two and-a-half home sites. The high  
6 conservation is ridge line behind, which is put in  
7 conservation.

8           And if we go to the next view, shot. Okay. You  
9 have got what 1, 2, 3, 4 as seen from, okay, that's East  
10 Lake Road. Which is moderate. In fact, I am not even --  
11 there is no high conservation in there. You get a little  
12 bit of site of some of the homes. They are so far away.  
13 But yes, they are so far away. And then the last one is  
14 East Lake further down.

15           CHAIRMAN SOUTHERN: They are so small.

16           BOARD MEMBER MARSHALL: I think the view from  
17 the lake would be --

18           ATTORNEY MOLNAR: Right. That's the thrust of  
19 the question: From an officially designated.

20           MR. EGGLESTON: So if you look at the west lake  
21 side.

22           BOARD MEMBER MARSHALL: You're in it, and not  
23 across, if you're in the lake.

24           MR. EGGLESTON: If you're in the lake, you're  
25 going to see less. You will see less because you're closer

- EAF (Part 2) - Question 9 -

1 to the steep slope, and you're not --

2 THE APPLICANT: On the west lake side, you're  
3 elevated.

4 BOARD MEMBER MARSHALL: I can't imagine there is  
5 not a spot that it wouldn't be an eyesore to someone. I am  
6 not saying you or you. But I would think that there would  
7 be -- some people, it would definitely be an eyesore.

8 ATTORNEY LANGEY: I think the issue of that might  
9 be subjectivity and objectivity. But one consideration of  
10 the Board to think about the idea that this is zoned for  
11 residential use and development. And in that, the  
12 Applicant and his design professionals have created the  
13 project following the rules established by the Planning  
14 Board and encouraged by the Planning Board.

15 MR. EGGLESTON: And the Comprehensive Plan.

16 ATTORNEY LANGEY: And that's how we would  
17 characterize it.

18 CHAIRMAN SOUTHERN: All right. Could we resolve  
19 the question itself, please?

20 ATTORNEY MOLNAR: So A.: Proposed action may be  
21 visible from any officially designated federal, state or  
22 local scenic or aesthetic resource?

23 CHAIRMAN SOUTHERN: Yes, that's a small.

24 BOARD MEMBER HAMLIN: Yes, small.

25 BOARD MEMBER MARSHALL: Small.

- EAF (Part 2) - Question 9 -

1 BOARD MEMBER WINKELMAN: I would say moderate to  
2 large. With the cut in the road as well as the houses  
3 built up on top of the hill, it will be highly visible from  
4 the lake.

5 CHAIRMAN SOUTHERN: Don, what do you feel? Small  
6 or moderate?

7 BOARD MEMBER KASPER: I will say moderate. More  
8 the road. Not so much the houses. In next question --

9 CHAIRMAN SOUTHERN: We will get there in a  
10 minute. Jill, we have got to resolve this one?

11 BOARD MEMBER MARSHALL: Yes, I am going to say  
12 small. I do agree and I did agree initially that it's in  
13 keeping with what is going on around it. I think actually  
14 the biggest negative visual impact is what's already been  
15 done.

16 CHAIRMAN SOUTHERN: Big.

17 BOARD MEMBER HAMLIN: Small for me.

18 CHAIRMAN SOUTHERN: Mine will be a small. So we  
19 will note.

20 ATTORNEY MOLNAR: Three to two. Moving on, B.:  
21 The proposed action may result in the obstruction,  
22 elimination or significant screening of one or more  
23 officially designated scenic views?

24 BOARD MEMBER KASPER: No.

25 ATTORNEY MOLNAR: C.: The proposed action may be

- EAF (Part 2) - Question 9 -

1 visible from publicly accessible vantage points: Roman I,  
2 Seasonally, (for instance, screened by summer foliage but  
3 visible during other seasons)?

4 CHAIRMAN SOUTHERN: Yes. I think, and again,  
5 winter-wise?

6 BOARD MEMBER KASPER: Winter-wise, you're going  
7 to see it. It would be a large impact.

8 CHAIRMAN SOUTHERN: I would have to say moderate  
9 to large.

10 BOARD MEMBER KASPER: In the winter, no  
11 vegetation.

12 BOARD MEMBER WINKELMAN: And the other thing is,  
13 I believe when there is eleven homes up there, there is  
14 going to be some limited landscaping to preserve  
15 everybody's view. If you had two or three homes up there,  
16 you could landscape around the houses, and they could blend  
17 in. And but again, I think it's the road that -- that may  
18 be, too.

19 BOARD MEMBER MARSHALL: What do you think? The  
20 landscaping is a good point. So, we have no control over  
21 it.

22 CHAIRMAN SOUTHERN: Moderate to large? Seasonal?

23 ATTORNEY LANGEY: I am looking at my notes from  
24 the dry run from last year. And the minutes said that the  
25 Board at that time -- not the same members, I recognize --

- EAF (Part 2) - Question 9 -

1 felt it was a small impact, after discussing it, 9-C.

2 BOARD MEMBER MARSHALL: I struggle with these  
3 vision ones because they are so subjective.

4 CHAIRMAN SOUTHERN: Yes. Very subjective.

5 MR. EGGLESTON: I think the significance is we  
6 are not breaking the ridge line. It's not sticking out  
7 like a sore thumb. It's no different than other  
8 developments that have gone up the hill. Like Buck's Bluff  
9 or Schooner Hill. That, from West Lake Road, you still  
10 have the ridge line intact.

11 BOARD MEMBER MARSHALL: My concern is that the  
12 cumulative effect of these developments is very large. So  
13 this particular development perhaps maybe not. But the  
14 next one, in addition to being next door to this one, will.  
15 Yes, that's extremely significant.

16 MR. EGGLESTON: Right.

17 CHAIRMAN SOUTHERN: So at this point then, I  
18 would consider this to be a small impact?

19 ATTORNEY MOLNAR: This is a seasonal --

20 CHAIRMAN SOUTHERN: Seasonal impact.

21 BOARD MEMBER KASPER: Seasonal.

22 CHAIRMAN SOUTHERN: -- impact.

23 BOARD MEMBER WINKELMAN: I would have to say  
24 moderate, myself. That's my vote.

25 BOARD MEMBER KASPER: I have got to say moderate

- EAF (Part 2) - Question 9 -

1 on the seasonal part of it.

2 CHAIRMAN SOUTHERN: I do, too.

3 BOARD MEMBER HAMLIN: Because of the winter.  
4 Seeing it in the winter?

5 BOARD MEMBER KASPER: Not only that.

6 CHAIRMAN SOUTHERN: The bigger road is going to  
7 stick out.

8 BOARD MEMBER KASPER: Even in the summer, the  
9 impact is -- the homeowners aren't going to want to plant  
10 big trees to block their view. They are actually causing  
11 or continuing to make it stand out. Plus, they didn't do  
12 anything to even hide the road. The road is right there.  
13 No suggestion for planting along the road to hide the road  
14 with trees or anything, nothing was put to hide the road.

15 ATTORNEY MOLNAR: Does that relate to Roman  
16 numeral II: Year-round?

17 BOARD MEMBER KASPER: Yes. That's year-round.

18 CHAIRMAN SOUTHERN: Yes. They are both moderate  
19 to large.

20 MR. EGGLESTON: Don, we have made comments  
21 earlier about the vegetation on the southwest side of the  
22 road, that would help screen the road. That we would pick  
23 appropriate landscaping, appropriate trees that would be,  
24 you know, what, 20-foot high or 12- to 20-foot high. That  
25 would screen that.

- EAF (Part 2) - Question 9 -

1 CHAIRMAN SOUTHERN: The scrub going in and brush  
2 coverage.

3 BOARD MEMBER KASPER: Only thing I recall on the  
4 steep slope, nothing to hide the road. Is there something  
5 in the drawings?

6 THE APPLICANT: Yes, it's all trees. On the  
7 Goldman side.

8 BOARD MEMBER KASPER: That's with the cut and  
9 all. The road is visible now, so.

10 CHAIRMAN SOUTHERN: We have got our  
11 determination.

12 BOARD MEMBER WINKELMAN: It seems like it could  
13 be mitigated.

14 BOARD MEMBER KASPER: It could be mitigated.

15 MR. EGGLESTON: Also Joe, just to clarify, we  
16 won't have another development like this because the land  
17 around it is already in conservation. And that's one of  
18 the values of the conservation is that it's adjacent to a  
19 contiguous conservation.

20 BOARD MEMBER MARSHALL: I understand that. I  
21 mean, in terms of lake-wide, not in this particular site,  
22 but lake-wide, that's a concern.

23 MR. EGGLESTON: Sure.

24 ATTORNEY LANGEY: What was the final consensus?  
25 I am sorry.

- EAF (Part 2) - Question 9 -

1 CHAIRMAN SOUTHERN: Moderate to large.

2 ATTORNEY MOLNAR: Moderate to large to both  
3 seasonal and year-round.

4 CHAIRMAN SOUTHERN: Section D --

5 ATTORNEY MOLNAR: That was C. So moving on to  
6 Section D.: The situation or activity in which viewers are  
7 engaged while viewing the proposed action is: Roman  
8 numeral I, Routine travel by residents including to and  
9 from work?

10 CHAIRMAN SOUTHERN: Yes.

11 BOARD MEMBER HAMLIN: Yes.

12 BOARD MEMBER KASPER: Yes.

13 ATTORNEY MOLNAR: Is that a small impact or  
14 moderate-to-large?

15 BOARD MEMBER KASPER: I would say it's a small  
16 impact. You get used to it.

17 CHAIRMAN SOUTHERN: Small.

18 ATTORNEY MOLNAR: If you're traveling to and from  
19 work?

20 BOARD MEMBER KASPER: Yes. It becomes routine.  
21 That would be a small.

22 CHAIRMAN SOUTHERN: And then recreational or  
23 tourism?

24 BOARD MEMBER KASPER: That's a large.

25 CHAIRMAN SOUTHERN: I would say that's a large.

- EAF (Part 2) - Question 9 -

1 ATTORNEY MOLNAR: From the lake.

2 BOARD MEMBER MARSHALL: Yes.

3 ATTORNEY MOLNAR: E.: The proposed action may  
4 cause a diminishment of the public's enjoyment and  
5 appreciation of the designated aesthetic resource?

6 BOARD MEMBER WINKELMAN: It's not in a  
7 designated.

8 ATTORNEY MOLNAR: Appreciation of the designated  
9 aesthetic resource of the lake, appreciation of the lake.

10 BOARD MEMBER HAMLIN: Of the lake?

11 BOARD MEMBER KASPER: Change to enjoyment.

12 CHAIRMAN SOUTHERN: Small.

13 ATTORNEY MOLNAR: F: There are similar projects  
14 visible within the following distance of the proposed  
15 project: First, zero to half mile?

16 BOARD MEMBER WINKELMAN: No.

17 CHAIRMAN SOUTHERN: No, nothing on the site.

18 ATTORNEY MOLNAR: Second is, a half mile to three  
19 miles? Similar projects visible?

20 CHAIRMAN SOUTHERN: Five miles down.

21 ATTORNEY MOLNAR: Zero to three?

22 BOARD MEMBER WINKELMAN: Across the lake.

23 CHAIRMAN SOUTHERN: Three to five.

24 ATTORNEY MOLNAR: Three to five?

25 CHAIRMAN SOUTHERN: This site is nothing.

- EAF (Part 2) - Question 9 -

1           ATTORNEY LANGEY: I don't see, Scott, I lost  
2 track where we are.

3           ATTORNEY MOLNAR: We are on 9-F.

4           ATTORNEY LANGEY: Could I back up? I haven't  
5 recorded down D., Roman I, and Roman Double-I?

6           ATTORNEY MOLNAR: It was no or small, or no or  
7 small. And Double-I, was recreational or tourism based  
8 activities was moderate-to-large. They said it was the  
9 lake, recreation on the lake.

10          ATTORNEY LANGEY: So in the workbook, I think it  
11 asked how so? I think if the answer is "yes" you have to  
12 explain how that is? What's the reasoning behind the large  
13 impact or moderate impact, recreationally?

14          ATTORNEY MOLNAR: D.: The situation or activity  
15 in which the viewers are engaged while viewing the proposed  
16 action, is in Roman II, recreational or tourism based  
17 activities? "Answer: Moderate to large."

18          CHAIRMAN SOUTHERN: People traveling the lake  
19 with boats or visitors riding the surfaces provided, they  
20 are the ones that we are talking about here.

21          BOARD MEMBER MARSHALL: I would argue that we  
22 are, our community has a lot of tourism. And not just for  
23 water usage. Because we're a small individual village, and  
24 surrounding, a lot of rural areas. So I think if there are  
25 a certain -- aspects coming in for tourism because of the

- EAF (Part 2) - Question 9 -

1 rural heritage, I think it would impact that.

2 ATTORNEY LANGEY: I hear what you're saying. My  
3 concern is the subjectivity of the analysis, in the context  
4 of the fact that the project is in our opinion, anyway, has  
5 been designed to meet the requirements of the Code, and has  
6 been laid out and placed in a way to meet all those  
7 requirements, and meet the guidelines of the Comprehensive  
8 Plan.

9 I do appreciate what you're saying. I am having  
10 a hard time getting to the conclusion that it was a large  
11 impact in the context of it's a small residential  
12 development. Nine lots over how many acres, that has been  
13 laid out in the conservation subdivision manner.

14 ATTORNEY MOLNAR: Even full, fully Code  
15 compliant, designed fully Code compliant would be a  
16 significant aesthetic impact. If given the height of the  
17 homes and the cut of the road.

18 MR. EGGLESTON: If this subdivision was several  
19 hundred houses, like Mallard Landing in Manlius -- when you  
20 go down to Manlius Hollow, and look at those rolling hills  
21 of houses, I could understand it. These are nine houses  
22 that are on a relatively flat part of the property. You're  
23 going to see a few little peaks here or there. I am not  
24 sure that you're going to have people come back to the  
25 docks and say: Oh, my God, did you see Hidden Estates?

- EAF (Part 2) - Question 9 -

1           If it were a nuclear power plant, it would stick  
2           out like a sore thumb. I don't see how it's any different  
3           than when you go up and down the lake other than it's nine  
4           more houses where there is probably several hundred houses  
5           that you can see from the lake.

6           BOARD MEMBER WINKELMAN: I think it's primarily  
7           the road, I am thinking about.

8           MR. EGGLESTON: Which exists already.

9           BOARD MEMBER WINKELMAN: It's going to be larger.

10          MR. EGGLESTON: It's de minimisly, from a visual  
11          standpoint. They forget to see it's a little deeper cut  
12          into the area.

13          BOARD MEMBER WINKELMAN: Disagree.

14          CHAIRMAN SOUTHERN: We respectfully disagree.  
15          That is a determination that will be made.

16          MR. EGGLESTON: Sure.

17          CHAIRMAN SOUTHERN: Beyond this point.

18          BOARD MEMBER MARSHALL: I think it's relative to  
19          development in Skaneateles. Manlius is one hundred houses.  
20          You have to think about relative to this.

21          MR. EGGLESTON: Again, the problem with  
22          subdivision in Skaneateles is you get the one-sies,  
23          two-sies all the time that go through. And there have been  
24          more lots approved in the time period that we have been  
25          going through this, that don't have conservation areas,

- EAF (Part 2) - Question 9 -

1 that don't have clustered areas, that don't have a  
2 nine-acre average.

3 CHAIRMAN SOUTHERN: Okay. Thank you, Bob.

4 MR. EGGLESTON: You're welcome.

5 ATTORNEY MOLNAR: F.: We were discussing whether  
6 or not there are similar projects visible within the  
7 following site distance: And there was zero to half mile;  
8 half mile to three; three to five; and five-plus.

9 CHAIRMAN SOUTHERN: I don't believe there are.

10 BOARD MEMBER HAMLIN: I don't think so, no.

11 CHAIRMAN SOUTHERN: No.

12 ATTORNEY MOLNAR: Moving on to Question G.: Any  
13 other impacts? Does that have an impact on the aesthetic  
14 resource, the land use, in the proposed action? Any others  
15 that the Board can acknowledge here?

16 CHAIRMAN SOUTHERN: I think we are set for now.

17 BOARD MEMBER HAMLIN: No.

18 ATTORNEY MOLNAR: Moving to Question 10: Impact  
19 on Historic and Archeological Resources. The proposed  
20 action may occur in or adjacent to a historic or  
21 archeological resource?

22 CHAIRMAN SOUTHERN: I don't believe so.

23 ATTORNEY MOLNAR: We have those reports. The  
24 SHPO report, none of it suggested that.

25 Moving on to Question 11: Impact on Open Space

- EAF (Part 2) - Question 11 -

1 and Recreation. The proposed action may result in a loss  
2 of recreational opportunities or a reduction of an open  
3 space resource as designated in any adopted municipal or  
4 open space plan?

5 BOARD MEMBER KASPER: I would say no.

6 BOARD MEMBER WINKELMAN: I would say no.

7 ATTORNEY MOLNAR: Open space plan.

8 Question 12: Impact on Critical Environmental  
9 Areas? The proposed action may be located within or  
10 adjacent to a critical environmental area (CEA)?

11 CHAIRMAN SOUTHERN: No.

12 ATTORNEY MOLNAR: We have none.

13 BOARD MEMBER WINKELMAN: Why, isn't the lake  
14 designated a CEA?

15 ATTORNEY MOLNAR: There is a movement under way.

16 CHAIRMAN SOUTHERN: Which will have no effect on,  
17 read the Code, DEC --

18 BOARD MEMBER WINKELMAN: We would have gone  
19 through that section.

20 CHAIRMAN SOUTHERN: -- even the DEC says your  
21 local law is better than CEA. Under CEA Type II actions,  
22 aren't even discussible.

23 ATTORNEY LANGEY: The Town of Cazenovia adopted  
24 one, with my planning board, my town board did adopt one.  
25 You have to do it through DEC procedure. It's not easy but

- EAF (Part 2) - Question 11 -

1 it can be done. It's something.

2 CHAIRMAN SOUTHERN: Yes, that's something to  
3 think about.

4 ATTORNEY LANGEY: Yes.

5 CHAIRMAN SOUTHERN: Okay. Next?

6 ATTORNEY MOLNAR: Next Question is 13: Impact on  
7 Transportation. The proposed action may result in a change  
8 to existing transportation systems?

9 BOARD MEMBER KASPER: No.

10 CHAIRMAN SOUTHERN: No, not really.

11 BOARD MEMBER WINKELMAN: No, that intersection --

12 CHAIRMAN SOUTHERN: No.

13 ATTORNEY MOLNAR: 14: Impact on Energy? The  
14 proposed action may cause an increase in the use of any  
15 form of energy?

16 BOARD MEMBER WINKELMAN: Small.

17 BOARD MEMBER KASPER: I would say no.

18 CHAIRMAN SOUTHERN: I would have to say no,  
19 reading the question.

20 ATTORNEY MOLNAR: 15: Impact on Noise, Odor and  
21 Light. The proposed action may result in an increase in  
22 noise, odors or outdoor lighting?

23 BOARD MEMBER KASPER: No.

24 CHAIRMAN SOUTHERN: During construction?

25 BOARD MEMBER WINKELMAN: Yes.

- EAF (Part 2) - Question 15 -

1 BOARD MEMBER KASPER: Well.

2 ATTORNEY LANGEY: Temporary, though.

3 BOARD MEMBER KASPER: No.

4 ATTORNEY MOLNAR: So this may result in an  
5 increase? No?

6 BOARD MEMBER MARSHALL: Technically, yes, but.

7 BOARD MEMBER KASPER: I would say no.

8 CHAIRMAN SOUTHERN: I think just mark that no,  
9 with the consensus of the Board.

10 ATTORNEY MOLNAR: Moving on to Question 16:  
11 Impact on Human Health. The proposed action may have an  
12 impact on human health from exposure to new or existing  
13 sources of contaminants?

14 BOARD MEMBER KASPER: No.

15 ATTORNEY MOLNAR: Not from a residential  
16 subdivision project.

17 17: Consistency with Community Plans? The  
18 proposed action is not consistent with adopted land use  
19 plans?

20 CHAIRMAN SOUTHERN: Let's shoot down through.

21 ATTORNEY MOLNAR: Review the sub-questions before  
22 making a determination?

23 CHAIRMAN SOUTHERN: Yes.

24 BOARD MEMBER WINKELMAN: Yes, because to preface  
25 everything out yes, this is a conservation density -- what

- EAF (Part 2) - Question 17 -

1 we prefer especially in the watershed. But again it's the  
2 roadway that seems to be the biggest impact.

3 ATTORNEY MOLNAR: Reviewing the sub-questions,  
4 First, before making a determination, beginning with A.:  
5 The proposed actions land use components may be different  
6 from or in sharp contrast to current surrounding land use  
7 patterns?

8 CHAIRMAN SOUTHERN: No. Density, yes.

9 ATTORNEY MOLNAR: Density from or some sharp  
10 contrast to current surrounding land use patterns?

11 MR. EGGLESTON: Right. It's nine acres, instead  
12 of half acres, which a lot of your lots are existing on  
13 East Lake Road.

14 ATTORNEY LANGEY: The handbook, Scott, helps on  
15 that.

16 ATTORNEY MOLNAR: I am trying to catch up, too.

17 ATTORNEY LANGEY: Page 257, maybe.

18 ATTORNEY MOLNAR: A. Land use. Suggested  
19 guidance on this point: The land use components in this  
20 question refer to the proposed use, dimensions of the lot,  
21 dimensions and locations of all structures, setbacks, size  
22 of the structures, accessory uses, and overall scale and  
23 intensity of the proposed project. For example, a proposed  
24 150,000 square foot warehouse with 20 loading docks would  
25 likely have land use components that include the structure

- EAF (Part 2) - Question 17 -

1       itself, parking areas, signs, driveways, a new traffic  
2       light, fencing, landscaping and outdoor lighting. If that  
3       warehouse was proposed in an industrial district surrounded  
4       by other similar scaled land uses, then the action would  
5       not be different or in sharp contrast to the current land  
6       use pattern.

7                 Analysis points recommended by the DEC include:  
8       What is the scale and size of the project site in  
9       comparison to current land uses? Is the structure larger,  
10      taller? On a different lot size? Of a very different land  
11      use? Of an architectural design that is in sharp contrast?

12                ATTORNEY LANGEY: No.

13                ATTORNEY MOLNAR: -- sited on the parcel in a  
14      very different manner?

15                BOARD MEMBER WINKELMAN: Again, the houses aren't  
16      the issue. It's the driveway. And that's in sharp  
17      contrast to the area. You have to move so much earth to  
18      create a driveway like that.

19                CHAIRMAN SOUTHERN: How is that not consistent  
20      with the plans? That's the problem.

21                BOARD MEMBER KASPER: Yes.

22                ATTORNEY MOLNAR: Perhaps that --

23                CHAIRMAN SOUTHERN: Let's go down through.

24                ATTORNEY MOLNAR: Small impact, or moderate to  
25      large.

- EAF (Part 2) - Question 17 -

1 MR. CAMP: I suggest you look at the phrase "land  
2 use components."

3 BOARD MEMBER WINKELMAN: Small.

4 BOARD MEMBER KASPER: Small.

5 ATTORNEY MOLNAR: Land use being the roads.

6 MR. BRODSKY: Not the land use being the houses  
7 and the road.

8 MR. CAMP: The overall use of the land, the  
9 example talked about a factory next to something else.

10 ATTORNEY LANGEY: Right.

11 CHAIRMAN SOUTHERN: Right.

12 MR. CAMP: That's where they are going with this,  
13 in my view.

14 BOARD MEMBER MARSHALL: Yes, I think it's  
15 consistent.

16 BOARD MEMBER KASPER: Small impact.

17 CHAIRMAN SOUTHERN: Yes, small.

18 ATTORNEY MOLNAR: Question B.: The proposed  
19 action will cause the permanent population of the city,  
20 town or village in which the project is located to grow by  
21 more than 5 percent? The proposed action is inconsistent  
22 with local land use plans or zoning regulations?

23 BOARD MEMBER KASPER: No.

24 CHAIRMAN SOUTHERN: No. The plan -- go ahead.

25 No.

- EAF (Part 2) - Question 17 -

1           ATTORNEY MOLNAR: D: The proposed action is  
2 inconsistent with any county plans or other regional land  
3 use plans?

4           CHAIRMAN SOUTHERN: What's the County say about  
5 development?

6           BOARD MEMBER WINKELMAN: Every single plan says  
7 to protect sensitive environmental areas such as steep  
8 slopes, everything. Every plan there is says protect steep  
9 slopes. Protect steep slopes in the watershed.

10          MR. EGGLESTON: They all talk about cluster.

11          BOARD MEMBER WINKELMAN: All talk about what?

12          MR. EGGLESTON: Clustering, that we should be  
13 clustering.

14          BOARD MEMBER WINKELMAN: Right.

15          ATTORNEY LANGEY: We don't disagree we shouldn't  
16 be protecting steep slopes. What we are proposing does not  
17 propose steep slopes, as we designed it.

18          BOARD MEMBER WINKELMAN: I like the clustering of  
19 the houses. But the driveway going up the steep slope,  
20 it's basically land, high conservation value, that's being  
21 carved.

22          MR. CAMP: I think, again, I think the intent of  
23 this has more to do with land use and zoning. That's kind  
24 of the overall arching view of that section of the  
25 document.

- EAF (Part 2) - Question 17 -

1           ATTORNEY MOLNAR: Looking for the SOCPA report.  
2 Pull that out for one moment. Onondaga County Planning  
3 Board report. February 7th of 2018. They generally would  
4 discuss it. Conclusions. Their conclusion: The Board  
5 also offers the following comments: One, The Board  
6 discourages housing lots on steep-sloped lands,  
7 particularly in such close proximity to a sensitive lake.  
8 And encourages the applicants alternative layout plans.  
9 Two, The Board encourages the town to consider the  
10 potential long-term effects of subdivisions to create new  
11 residential lots in rural areas. And Three --

12           MR. CAMP: We are not going to do any plan --  
13 this is a County policy.

14           ATTORNEY MOLNAR: Exactly. This is -- but they  
15 generally reflect plans, if they are applicable.

16           MR. EGGLESTON: Yes.

17           MR. CAMP: Again, the title of this is:  
18 Consistency with Community Plans. And the previous  
19 question was about land use plans and zoning regulations.  
20 That's the context that what we are looking at, this in  
21 here. I wouldn't want the Board to mischaracterize that.

22           MR. EGGLESTON: And again.

23           ATTORNEY MOLNAR: Agreed.

24           MR. EGGLESTON: The County missed the point that  
25 all the building sites are on less than 12 percent slopes.

- EAF (Part 2) - Question 17 -

1 CHAIRMAN SOUTHERN: Another bullet point?

2 MR. BRODSKY: In terms of other bullet points,  
3 the workbook suggests, and asks: Will there be more people  
4 at the site than surrounding area? Will there be more  
5 traffic? Will there be more structures on the lot, and  
6 less green space than others? I assume "others" means  
7 other lots in the vicinity.

8 MR. CAMP: Yes, this is all about compare and  
9 contrast with what's around there.

10 MR. BRODSKY: What's around there, so.

11 ATTORNEY MOLNAR: Or another bullet point, If it  
12 requires a variance, it would be inconsistent with.

13 BOARD MEMBER KASPER: It's a small impact.

14 MR. BRODSKY: Those bullet points related how to  
15 go about the process of analyzing what you're thinking  
16 about. And then you have the small impact or moderate  
17 impact as well. Moderate impact would be not consistent in  
18 the proposed, in the use, dimensions of the lots. The uses  
19 of single-family residential are, the dimensions of the  
20 lots are six acres average, I believe.

21 MR. EGGLESTON: Nine acres.

22 MR. CAMP: I don't believe there is even a  
23 community or County land use plan to compare it to.

24 CHAIRMAN SOUTHERN: No, not that I am aware of.

25 MR. BRODSKY: County concern would be maintaining

- EAF (Part 2) - Question 17 -

1 the sustainability of each lot, individually. So they have  
2 an adequate water supply, an adequate septic system? So  
3 you already did that stuff.

4 MR. CAMP: The County has a regional land use  
5 plan?

6 MR. EGGLESTON: Yes.

7 MR. BRODSKY: County doesn't but Regional  
8 Planning does.

9 MR. CAMP: Is it just a mimic of the local zoning  
10 or is it an actual development plan for the future?

11 CHAIRMAN SOUTHERN: Suggested development.

12 MR. BRODSKY: Suggested development. And out of  
13 five-county scale for Central New York Regional Planning  
14 and Development, Onondaga County, it is an Onondaga County  
15 plan. And also there is a suggested pattern of development  
16 focusing on County concerns of infrastructure and  
17 environment, and overall density. I mean, cumulatively,  
18 the County might say it would be nice if you didn't develop  
19 on these lands in rural areas, and push people into denser  
20 development.

21 MR. CAMP: Is there a published plan?

22 ATTORNEY MOLNAR: There is a 2010 Guide For  
23 Onondaga County.

24 MR. BRODSKY: Right, I don't think if it's --

25 ATTORNEY MOLNAR: I don't think, if it's undated.

- EAF (Part 2) - Question 17 -

1 BOARD MEMBER WINKELMAN: Also: Growth for  
2 Onondaga County, in May of 1997.

3 ATTORNEY MOLNAR: I don't know if this plan has  
4 ever been adopted. I don't know. Which is why I went to  
5 the SOCPA resolution to see whether or not they called one  
6 out and if there is an inconsistency? And there wasn't was  
7 one that I saw in the SOCPA report.

8 BOARD MEMBER WINKELMAN: My only point with the  
9 local plans, Skaneateles Comp. Plan, Goal No. 1, Objective  
10 No. 3, says: Protect sensitive environmental areas such --  
11 they list a bunch of things. And steep slopes is in there.  
12 The goal No. 2, Objective 4, says: Protect important lake  
13 and rural view shed as viewed from roads and other public  
14 places. Those are goal No. 1 and goal No. 2 in the Comp.  
15 Plan. Just take that into consideration.

16 ATTORNEY MOLNAR: This is inconsistent, is it  
17 small?

18 CHAIRMAN SOUTHERN: No, it's not.

19 ATTORNEY MOLNAR: I am sorry?

20 BOARD MEMBER HAMLIN: It's not land use plan.  
21 Those are aspirational goals in the Comprehensive Plan.  
22 This is asking about consistency with a land use plan.

23 CHAIRMAN SOUTHERN: Other than zoning code?

24 BOARD MEMBER WINKELMAN: Yes.

25 CHAIRMAN SOUTHERN: This is zoning code.

- EAF (Part 2) - Question 17 -

1 BOARD MEMBER WINKELMAN: We are supposed to  
2 disregard?

3 BOARD MEMBER KASPER: Your next question is by  
4 more your concerns, Scott: Consistency with the community  
5 character. This subdivision, it fits with the community  
6 plan.

7 CHAIRMAN SOUTHERN: All right. Where are we?

8 ATTORNEY MOLNAR: It was D.: The proposed action  
9 is inconsistent with any County plans or other regional  
10 land use plans?

11 BOARD MEMBER KASPER: I would say no.

12 CHAIRMAN SOUTHERN: Okay, no.

13 ATTORNEY MOLNAR: Any other comments from the  
14 Board on that?

15 BOARD MEMBER WINKELMAN: I have got to say yes.  
16 The steep slopes are, in the DEC stormwater manual, says  
17 first employed sensitive areas, steep slopes; and SOCPA,  
18 SOCPA plan all says: Avoid steep slopes. And this is  
19 blasting a hole right through a steep slope.

20 ATTORNEY MOLNAR: I recommend that the chair poll  
21 the Board.

22 CHAIRMAN SOUTHERN: On item?

23 ATTORNEY MOLNAR: D.

24 CHAIRMAN SOUTHERN: D, everyone clear on item D?

25 ATTORNEY MOLNAR: Don?

- EAF (Part 2) - Question 17 -

1 BOARD MEMBER KASPER: Small impact.

2 CHAIRMAN SOUTHERN: Small. Jill?

3 BOARD MEMBER MARSHALL: This project, I will say  
4 small. The road, that's already there, was huge.

5 CHAIRMAN SOUTHERN: Okay.

6 ATTORNEY MOLNAR: Doug?

7 BOARD MEMBER HAMLIN: No, or small.

8 CHAIRMAN SOUTHERN: Scott?

9 BOARD MEMBER WINKELMAN: I would say large.

10 CHAIRMAN SOUTHERN: I would say based on the  
11 wording: No or small.

12 ATTORNEY MOLNAR: Moving on to sub-question  
13 E.: The proposed action may cause a change in the density  
14 of development that is not supported by existing  
15 infrastructure or is distant from existing infrastructure?

16 BOARD MEMBER KASPER: Small impact.

17 BOARD MEMBER HAMLIN: No.

18 BOARD MEMBER WINKELMAN: Small.

19 CHAIRMAN SOUTHERN: Yes, small impact, I think.  
20 Developers will look and say, Hey, look, there is a  
21 12-house development. Maybe we should try one, you know?  
22 Subjective. But, I would say small.

23 BOARD MEMBER HAMLIN: I think that what you're  
24 getting at, Joe, is actually more the focus of Question G,  
25 then.

- EAF (Part 2) - Question 17 -

1 CHAIRMAN SOUTHERN: Okay. All right. I see it.

2 ATTORNEY MOLNAR: Moving on to F.: The proposed  
3 action is located in an area characterized by low density  
4 development that will require new or expanded public  
5 infrastructure?

6 BOARD MEMBER KASPER: No.

7 ATTORNEY MOLNAR: G.: The proposed action may  
8 induce secondary development impacts (for instance,  
9 residential or commercial development not included in the  
10 proposed action)?

11 CHAIRMAN SOUTHERN: Yes. And I would say it's  
12 moderate. I cannot see developers looking around the  
13 watershed area of the lake. Not now. They would be more  
14 inclined to have larger subdivision actions than are  
15 currently in place. Currently, we are looking at one and  
16 two. This would expand to nine. It makes a possibility of  
17 other developers considering this same type of action. Not  
18 necessarily the same place or the same area. But within  
19 the lake watershed, the same type of action.

20 MR. CAMP: On a difficult site.

21 CHAIRMAN SOUTHERN: Yes.

22 MR. EGGLESTON: Joe, what I think they are  
23 talking about is: Victory Sports was going to be an  
24 athletic facility that had no hotels, no restaurants, and  
25 didn't support all the people it was bringing in. That's a

- EAF (Part 2) - Question 17 -

1 secondary development that they are talking about.

2 CHAIRMAN SOUTHERN: Well.

3 ATTORNEY MOLNAR: It includes both the proposed  
4 action. May induce secondary development.

5 CHAIRMAN SOUTHERN: Right.

6 ATTORNEY MOLNAR: It's either residential or  
7 commercial. Does not include the proposed action.

8 MR. EGGLESTON: In other words, we don't need  
9 schools because we are putting nine lots up here.

10 BOARD MEMBER WINKELMAN: Right.

11 ATTORNEY LANGEY: Look at the guidance, Scott.

12 ATTORNEY MOLNAR: I am moving to it now.

13 ATTORNEY LANGEY: Page 263.

14 ATTORNEY MOLNAR: The guidance provides, This  
15 question explores the potential growth-inducing aspects of  
16 a proposed project. A project may foster economic or  
17 population growth or result in an increase in land use in a  
18 geographic area if it establishes essential public services  
19 or provides for economic expansion (construction of  
20 additional housing, changes in revenue base, and employment  
21 expansion, etc.)

22 ATTORNEY LANGEY: Right.

23 ATTORNEY MOLNAR: Precedent site, such as a  
24 zoning change or develops or encroaches on an isolated or  
25 adjacent area of open space.

- EAF (Part 2) - Question 17 -

1 CHAIRMAN SOUTHERN: The idea of increased  
2 residential development in the lake watershed, is my  
3 concern.

4 ATTORNEY LANGEY: Yes. So if you look at the  
5 other example for moderate to large impacts, it says:  
6 "Moderate to large impact would occur if the proposed  
7 project induces growth at a level which requires additional  
8 infrastructure, community services or if it be a density or  
9 type of land use that changes community character." That's  
10 what Bob was saying. It's sort of a spin-off from that.  
11 It's not few more houses. It's build the schools bigger,  
12 additional water sources or treatment plant. That's what  
13 we are getting towards.

14 CHAIRMAN SOUTHERN: It says residential?

15 MR. CAMP: I would suggest -- I would suggest you  
16 can phrase your concern in a way that could be added on  
17 "H."

18 CHAIRMAN SOUTHERN: Yes, that I was going to.

19 BOARD MEMBER WINKELMAN: If it is precedent,  
20 wanted to be handled on, I see Bob's about spurring growth.

21 ATTORNEY MOLNAR: Okay. Secondary development?

22 BOARD MEMBER WINKELMAN: Yes.

23 ATTORNEY MOLNAR: So with that view of secondary  
24 development?

25 BOARD MEMBER WINKELMAN: No to small.

- EAF (Part 2) - Question 17 -

1 BOARD MEMBER MARSHALL: Yes.

2 BOARD MEMBER HAMLIN: Yes, that's fine.

3 ATTORNEY MOLNAR: H, is the "Other." It would be  
4 the consequential --

5 CHAIRMAN SOUTHERN: Okay.

6 BOARD MEMBER MARSHALL: Precedent-setting.

7 CHAIRMAN SOUTHERN: Precedent-setting.

8 BOARD MEMBER WINKELMAN: We can encourage  
9 development on similar steep slopes on watershed or  
10 challenging sites.

11 BOARD MEMBER KASPER: Steep roadways.

12 CHAIRMAN SOUTHERN: Yes. High, moderate to large  
13 impact. Large, actually.

14 MR. EGGLESTON: I mean, when people look at five  
15 years to get nine houses, they are going to be coming out  
16 here in droves to propose big proposals?

17 CHAIRMAN SOUTHERN: Bob?

18 BOARD MEMBER WINKELMAN: The other precedent is  
19 the lake access tied to lots across the road. That could  
20 cause similar.

21 THE APPLICANT: There aren't any similar sites.

22 CHAIRMAN SOUTHERN: Could we conclude H?

23 ATTORNEY MOLNAR: For the precedent-setting?

24 CHAIRMAN SOUTHERN: Yes.

25 BOARD MEMBER HAMLIN: I have another potential

- EAF (Part 2) - Question 17 -

1 "Other" H.

2 CHAIRMAN SOUTHERN: Okay.

3 BOARD MEMBER HAMLIN: Another, related to what  
4 Scott was saying, not necessarily the precedent, potential  
5 lake access thing, but however lake access is ultimately  
6 defined, it's going to create the opportunity on a nice  
7 sunny summer day for quite a few pedestrian road-crossings  
8 over Route 41, which I think could be a safety concern,  
9 that you might want to consider.

10 Out of eight homes, four people per home, you  
11 know, that could be 32 kayaks walking across the road on  
12 any given day, and back the other way. I can't relate that  
13 to an impact up and down the road.

14 MR. EGGLESTON: Doug, just to remind you that we  
15 have got three times the visual site lines that's required  
16 for a driveway, in other words.

17 BOARD MEMBER HAMLIN: Okay.

18 MR. EGGLESTON: There is a lot of site lines. So  
19 while noted, the potential of people crossing the road,  
20 it's a much safer place to cross than a lot of other  
21 places.

22 BOARD MEMBER HAMLIN: I don't disagree with that.  
23 They are not crossing now and they will be.

24 MR. EGGLESTON: Yes.

25 CHAIRMAN SOUTHERN: Other comments on "Other"?

- EAF (Part 2) - Question 17 -

1 BOARD MEMBER WINKELMAN: We have got to make a  
2 determination.

3 ATTORNEY MOLNAR: We have got to do "Others."  
4 First, the precedent-setting development on the steep  
5 slope.

6 CHAIRMAN SOUTHERN: I would say that's large.

7 BOARD MEMBER KASPER: Large.

8 MR. CAMP: I would suggest maybe adding difficult  
9 sites to steep slopes, that could.

10 ATTORNEY MOLNAR: Got it. Thank you. And the  
11 second is, is the lake access creating opportunities for  
12 pedestrian crossing?

13 CHAIRMAN SOUTHERN: With regard to pedestrian,  
14 small, no, no, small.

15 ATTORNEY MOLNAR: Do you all agree on that?

16 BOARD MEMBER WINKELMAN: The safety issue.

17 CHAIRMAN SOUTHERN: Small.

18 BOARD MEMBER HAMLIN: Small is fine.

19 BOARD MEMBER WINKELMAN: Small.

20 CHAIRMAN SOUTHERN: Good.

21 BOARD MEMBER WINKELMAN: How about the precedent  
22 of the lot being tied with lake access, and that basically  
23 the Community Plan, we have again shared lake rights,  
24 recreational. But the spirit of the law is still very  
25 similar. That's the precedent that I think was set.

- EAF (Part 2) - Question 17 -

1 ATTORNEY LANGEY: What's the impact?

2 ATTORNEY MOLNAR: Recall, we are proceeding on  
3 the assumption that some form of access would be found  
4 acceptable to the Board. Reserving all rights to make a  
5 decision on that point at another day, as agreed to by the  
6 Applicant. That's not a precedent-setting element of this  
7 project now.

8 CHAIRMAN SOUTHERN: This particular section or  
9 part, I mean.

10 BOARD MEMBER WINKELMAN: So you don't see it as  
11 being inconsistent with the Community Plan?

12 CHAIRMAN SOUTHERN: A Community Plan discourages  
13 development within the watershed.

14 BOARD MEMBER WINKELMAN: I mean, as far as the  
15 overall shared lake access. We are not each going to  
16 discuss that?

17 CHAIRMAN SOUTHERN: Not tonight. It's going to  
18 be -- yes, it's going to be discussed. Not regard to this  
19 particular item.

20 ATTORNEY MOLNAR: So that, okay.

21 CHAIRMAN SOUTHERN: Right, you're right now.

22 ATTORNEY MOLNAR: I think, I understand Scott's  
23 position. And that if the assumption is accepted,  
24 reserving all rights. Assume that lake access is being  
25 permitted, to the nine new lots created, is that a

- EAF (Part 2) - Question 17 -

1 precedent-setting item, to be considered under H, Other,  
2 just like precedent for development on a steep slope in a  
3 difficult site.

4 CHAIRMAN SOUTHERN: I think, yes, definitely.

5 BOARD MEMBER KASPER: Yes, so it is a large  
6 impact.

7 CHAIRMAN SOUTHERN: Yes.

8 BOARD MEMBER KASPER: With a consistency with the  
9 Community Plan.

10 ATTORNEY LANGEY: What's the large impact on the  
11 lake in this context of nine additional homes? With  
12 ingress and egress for an individual to walk or go into the  
13 lake, as I had described it? How is the lake actually  
14 harmed?

15 CHAIRMAN SOUTHERN: It's a precedent-setting  
16 feature which would not be good for the sanctity of the  
17 lake, if you're trying to restrict disturbance.

18 ATTORNEY LANGEY: But we are reviewing this  
19 particular application, not future applications.

20 CHAIRMAN SOUTHERN: I understand. But I am  
21 pointing out it could be a future consideration, making  
22 this a consideration that we need to take under study or  
23 under consideration.

24 ATTORNEY LANGEY: Let's assume there are four  
25 people per house at nine. 36. And then they use the lake

1 in a given year, is that going to tip the balance of the  
2 lake quality if the people go in and swim, and kayak and  
3 boat in their non-motorized boat? I can only deal with my  
4 client's application. I can't deal with other applications  
5 down the line. If that's the Board's decision, please  
6 articulate that way in the record.

7 BOARD MEMBER WINKELMAN: I think it is the intent  
8 of the Code that we restrict the shared lake-front access  
9 and recreation to certain things. We have got very  
10 specific things for recreation. You say this isn't  
11 recreation, it's just access. Yes, but the spirit of the  
12 Comprehensive Plan and the intent is to not have nine or  
13 fourteen whatever number of households sharing 40-foot  
14 pieces of lake frontage because the impact on the neighbors  
15 and as well as you know small mooring field of boats, and  
16 whatever might come of it all, but it's in our Code for  
17 some reason. And I think this is getting dangerously  
18 close.

19 ATTORNEY MOLNAR: While the Applicant can only  
20 control its own project, the guidance from the DEC workbook  
21 on this point, the analysis section presented by the DEC  
22 states, and this is under G: The proposed action, may  
23 induce secondary. It's the analysis section. First  
24 bullet: Will the project foster similar or additional  
25 residential or commercial development in the future?

- EAF (Part 2) - Question 17 -

1 That's the precedent-setting component.

2 CHAIRMAN SOUTHERN: This action is not in  
3 compliance with our current lake-front recreational --

4 ATTORNEY MOLNAR: Will it foster similar?

5 BOARD MEMBER MARSHALL: Potentially, yes.

6 BOARD MEMBER KASPER: Sure.

7 BOARD MEMBER HAMLIN: Potentially large.

8 ATTORNEY MOLNAR: Moderate to large?

9 CHAIRMAN SOUTHERN: On this lake, it's large.

10 BOARD MEMBER MARSHALL: Potential.

11 CHAIRMAN SOUTHERN: The potential is huge.

12 ATTORNEY LANGEY: I would ask that those reasons  
13 be articulated into the record so that I can evaluate that  
14 down the line.

15 MR. BRODSKY: I would suggest that you also  
16 consider the pedestrian crossing over the major state road.

17 CHAIRMAN SOUTHERN: That has been mentioned.

18 MR. BRODSKY: That's important too. That could  
19 happen along the full length of the road.

20 BOARD MEMBER HAMLIN: In the context of this.

21 BOARD MEMBER WINKELMAN: With the canoes.

22 MR. BRODSKY: People walking across the road and  
23 not with the best sight distance.

24 CHAIRMAN SOUTHERN: I think it's important to  
25 note, it's not in compliance with current regulation.

- EAF (Part 2) - Question 17 -

1 ATTORNEY MOLNAR: If it's precedent-setting, it  
2 will encourage similar action.

3 CHAIRMAN SOUTHERN: Right.

4 MR. CAMP: So if you're saying it's not in  
5 compliance with current regulation, there is another  
6 section in this document, that we have already been  
7 through.

8 MR. BRODSKY: You're referring to shared  
9 lake-front recreation. That component is not in  
10 compliance.

11 ATTORNEY MOLNAR: Right.

12 MR. CAMP: There was a section in there. There  
13 is a question somewhere: Does this project meet Code? I  
14 think we checked "yes."

15 ATTORNEY MOLNAR: Under an assumption.

16 CHAIRMAN SOUTHERN: It's not being done. We are  
17 saying if it is done.

18 BOARD MEMBER HAMLIN: Talking about 17-C, John.

19 MR. CAMP: Right.

20 ATTORNEY MOLNAR: Is it contrary to?

21 MR. CAMP: Right there.

22 ATTORNEY MOLNAR: It's in that section, C., 17-C.  
23 Proposed action is inconsistent with local land use plans  
24 or regulations, zoning regulations.

25 MR. CAMP: Right. So maybe Joe and I are not

- EAF (Part 2) - Question 17 -

1 talking about the same thing. But I heard Joe say that  
2 this doesn't meet the current Code or something to that  
3 effect.

4 CHAIRMAN SOUTHERN: Right. This use does not  
5 meet the current Code. But they are not claiming it as a  
6 use.

7 MR. CAMP: Okay.

8 CHAIRMAN SOUTHERN: All right. Mine is if their  
9 use is permitted.

10 BOARD MEMBER HAMLIN: Which we are assuming it --

11 CHAIRMAN SOUTHERN: Then under this one, then it  
12 does not comply.

13 ATTORNEY LANGEY: Which section are we talking  
14 about? The shared lake-front recreation as defined in the  
15 Code?

16 CHAIRMAN SOUTHERN: Yes, basically.

17 ATTORNEY MOLNAR: It being 17-C, Proposed action  
18 is inconsistent with local land use plans or zoning  
19 regulations.

20 ATTORNEY LANGEY: Sort of runs up against the  
21 sort of ground rules we laid out with this whole thing. So  
22 we turned it all upside down, on its head.

23 CHAIRMAN SOUTHERN: With your exception. We  
24 talked about C., with the exception. Now we are talking  
25 about the other side of the coin.

- EAF (Part 2) - Question 17 -

1           ATTORNEY LANGEY: I heard Scott's comment about  
2 precedent-setting. I appreciate it. Because I said  
3 before, we can only deal with our own application.

4           CHAIRMAN SOUTHERN: I understand that.

5           ATTORNEY LANGEY: That's the context we are in.  
6 On its own merits. This environmental review is on its own  
7 merits.

8           CHAIRMAN SOUTHERN: But we have to look at what  
9 it may cause in the future.

10          ATTORNEY MOLNAR: Will the project foster similar  
11 or residential?

12          MR. CAMP: Will this project spur others? Is  
13 that true, similar? That's the SEQR question: Will other  
14 projects?

15          ATTORNEY MOLNAR: It's beyond your control.

16          THE APPLICANT: Are there any other parcels of  
17 land?

18          CHAIRMAN SOUTHERN: All right. So we have that  
19 "Other" taken care of, or not?

20          ATTORNEY MOLNAR: That's moderate-to-large on  
21 that last point, under "Other." So there are three  
22 "Others:" A, B and C.

23          BOARD MEMBER HAMLIN: What were the three  
24 "Others"?

25          ATTORNEY MOLNAR: Develop steep slope difficulty.

- EAF (Part 2) - Question 17 -

1 CHAIRMAN SOUTHERN: And crossing.

2 ATTORNEY MOLNAR: Road crossing. And the  
3 precedent-setting.

4 The guidance from the DEC on H was very "Other."  
5 There may be other impacts identified. State them here.  
6 Question 18.

7 MR. CAMP: Did we actually come up with an answer  
8 for the top of 17?

9 ATTORNEY MOLNAR: Right. So we --

10 CHAIRMAN SOUTHERN: It's got to be yes.

11 ATTORNEY LANGEY: Has to be at this point.

12 ATTORNEY MOLNAR: Okay. Good point. Moving on  
13 to Question 18: Consistency with Community Character. The  
14 proposed project is inconsistent with the existing  
15 community character?

16 CHAIRMAN SOUTHERN: All right. We need to do the  
17 bullets.

18 ATTORNEY MOLNAR: Let me give you the guidance  
19 supplied by DEC. The proposed project is inconsistent with  
20 the existing community character. Allow me to read  
21 verbatim from the six, it's a few paragraphs beginning  
22 with: "Many people define their community's character in  
23 very general terms: Suburban, rural, urban, quiet, safe  
24 scenic or friendly are terms often used. Others describe  
25 community character only in terms of visual features.

1 Community character is broader than this, however."

2 "Community character is defined by all the  
3 man-made and natural features of the area. It includes the  
4 visual character of a town, village or city and its visual  
5 landscape; but also includes the buildings and structures  
6 and their uses, the natural environment, activities, town  
7 services, and local policies that are in place. These  
8 combine to create a sense of place or character that  
9 defines the area."

10 "Changes to this type and intensity of land use,  
11 housing, public services, aesthetic quality, and to the  
12 balance between residential and commercial uses can all  
13 change community character. Most proposed actions will  
14 result in some change in community character. There are  
15 probably few which will result in no change at all.  
16 Examples of actions that may not affect community character  
17 include passage of a local law that is not related to land  
18 use, or other discretionary actions that require SEQR but  
19 that do not result in building or development.

20 "Note that Question 18 asks if the proposed  
21 project is NOT consistent with community character.  
22 Reviewing agencies will need to first understand what the  
23 existing community character is. Sometimes this is clearly  
24 defined in a comprehensive plan. As such, reviewing  
25 agencies should be familiar with those plans. Other times,

- EAF (Part 2) - Question 18 -

1 the reviewing agency will need to discuss and articulate  
2 what community character is."

3 So to answer this question, "The reviewing agency  
4 should evaluate the following sub-questions and decide if  
5 there will be any impacts. If there will be an impact, the  
6 reviewing agency must then evaluate the magnitude of that  
7 impact and decide if the impact will be small or  
8 moderate-to-large." As we have done for all of the  
9 questions to this point.

10 So, Question 18, Consistency with Community  
11 Character. The proposed project is inconsistent with the  
12 existing community character? We haven't answered it. But  
13 moving onto the sub-questions for guidance. First, A.:  
14 The proposed action may replace or eliminate existing  
15 facilities, structures, or areas of historic importance to  
16 the community?

17 CHAIRMAN SOUTHERN: No.

18 BOARD MEMBER HAMLIN: No.

19 BOARD MEMBER KASPER: No.

20 ATTORNEY MOLNAR: B.: The proposed action may  
21 create a demand for additional community services such as  
22 schools, police and fire?

23 CHAIRMAN SOUTHERN: No.

24 BOARD MEMBER HAMLIN: No.

25 BOARD MEMBER WINKELMAN: Small.

- EAF (Part 2) - Question 18 -

1 ATTORNEY MOLNAR: C.: The proposed action may  
2 displace affordable or low income housing in an area where  
3 there is a shortage of such housing?

4 BOARD MEMBER KASPER: No.

5 ATTORNEY MOLNAR: D.: The proposed action may  
6 interfere with the use or enjoyment of officially  
7 recognized or designated public resources?

8 BOARD MEMBER KASPER: No.

9 CHAIRMAN SOUTHERN: No.

10 BOARD MEMBER HAMLIN: No.

11 ATTORNEY MOLNAR: Including the lake?

12 CHAIRMAN SOUTHERN: Interfere with the use and  
13 enjoyment of the lake? No, I don't think it will.

14 BOARD MEMBER KASPER: Come on.

15 MR. BRODSKY: We already addressed it.

16 ATTORNEY MOLNAR: Right. I think we already  
17 addressed it.

18 So E.: The proposed action is inconsistent with  
19 the predominant architectural scale and character?

20 CHAIRMAN SOUTHERN: It's subjective. Boy.

21 BOARD MEMBER KASPER: I would say no.

22 BOARD MEMBER HAMLIN: That's a no, to me.

23 CHAIRMAN SOUTHERN: It has to be. I think, is a  
24 no.

25 ATTORNEY MOLNAR: F.: The proposed action is

- EAF (Part 2) - Question 18 -

1 inconsistent with the character of the existing natural  
2 landscape?

3 BOARD MEMBER KASPER: I think the road is  
4 inconsistent.

5 ATTORNEY MOLNAR: Is that small or  
6 moderate-to-large?

7 CHAIRMAN SOUTHERN: Moderate-to-large, I think I  
8 would consider. That road is a killer.

9 BOARD MEMBER KASPER: I would say  
10 moderate-to-large.

11 BOARD MEMBER HAMLIN: Yes.

12 BOARD MEMBER KASPER: It's the road.

13 ATTORNEY MOLNAR: G.: Any other impacts?

14 CHAIRMAN SOUTHERN: I guess not. It completes  
15 the form.

16 ATTORNEY LANGEY: What did you mark for F?

17 BOARD MEMBER KASPER: Large.

18 MR. BRODSKY: Large.

19 ATTORNEY LANGEY: Moderate to large?

20 MR. EGGLESTON: Because of the road.

21 MR. CAMP: Up to 18, Scott?

22 ATTORNEY MOLNAR: That was 18.

23 MR. CAMP: Did you do the overall?

24 ATTORNEY MOLNAR: Not yet.

25 CHAIRMAN SOUTHERN: I checked that yes.

- ZBA Questions -

1 ATTORNEY MOLNAR: Thank you.

2 CHAIRMAN SOUTHERN: There are three or four  
3 criteria that the Zoning Board uses in making their  
4 determination.

5 ATTORNEY MOLNAR: Five.

6 BOARD MEMBER WINKELMAN: The fifth one was --

7 ATTORNEY MOLNAR: The fifth one is a throw-away.

8 CHAIRMAN SOUTHERN: But what are the -- refresh  
9 my mind, if you could?

10 BOARD MEMBER WINKELMAN: Significant change in  
11 character of the environment. There is a large variance or  
12 other small.

13 ATTORNEY MOLNAR: Okay. There are five criteria  
14 that the Z.B.A. used to assess whether or not the benefit  
15 to the applicant outweighs the detriment to the health,  
16 safety and welfare of the neighborhood or community.  
17 (Reading.)

18 No. 1: Whether an undesirable change will be  
19 produced in the character of the neighborhood or a  
20 detriment to nearby properties will be created by the  
21 granting of the area variance?

22 2: Whether the benefit sought by the applicant  
23 can be achieved by some method, feasible for the applicant  
24 to pursue, other than an area variance?

25 3: Whether the requested area variance is

- ZBA Questions -

1 substantial? (And if within 200 feet of Skaneateles Lake,  
2 any area variance that enlarges a building or enables it to  
3 encroach into a required lake yard shall be presumed to be  
4 substantial because of the cumulative risk of degradation  
5 of the lake posed by granting individual variances. Which  
6 is, this presumption is rebuttable.) I will give you the  
7 form.

8 And 4: Whether the proposed variance will have  
9 an adverse effect or impact on the physical or  
10 environmental conditions in the neighborhood or district?  
11 (Again, presumed if it's within 200 feet of the lake, any  
12 variance that enlarges it.)

13 And 5: Whether the alleged difficulty was  
14 self-created, which shall be relevant to the decision of  
15 the Board but which shall not necessarily preclude the  
16 granting of the variance?

17 CHAIRMAN SOUTHERN: Make sure we cover: Any  
18 aspect of that should be reflected here in Section G?

19 ATTORNEY MOLNAR: As it relates to consistency  
20 with community character.

21 CHAIRMAN SOUTHERN: Yes. Yes, substantial  
22 development. I don't think is inconsistent.

23 Nine houses, under normal circumstances, may not  
24 be. But nine, you have -- my concern is that development,  
25 if some parts of the town should differ from development in

- ZBA Questions -

1 other segments of the town. Segments north of Route 20,  
2 take on a different form, than south of Route 20. I am  
3 thinking south of Route 20 is the lake watershed area. I  
4 am thinking in terms of the number of houses, being nine,  
5 and trying to determine in my own mind if that is  
6 substantial for the character and the surrounding area.

7 ATTORNEY MOLNAR: The guidance, on point --

8 CHAIRMAN SOUTHERN: Go ahead.

9 ATTORNEY MOLNAR: Small impact: As stated by the  
10 DEC is: A small impact could occur under one or more of  
11 the following circumstances. First bullet: The visual  
12 character of the area is changed in a minor way but is  
13 generally consistent in the design, placement, size,  
14 streetscape, intensity and architecture of the neighborhood  
15 or community.

16 CHAIRMAN SOUTHERN: And that is --

17 ATTORNEY MOLNAR: The last bullet: The proposed  
18 project is a land use that is similar to others that can be  
19 found in the neighborhood or area?

20 CHAIRMAN SOUTHERN: Right. That's true.

21 BOARD MEMBER KASPER: So it's --

22 BOARD MEMBER HAMLIN: Again, concern is the  
23 roads.

24 CHAIRMAN SOUTHERN: Right. We are all set.

25 ATTORNEY MOLNAR: That would lend to small to

- ZBA Questions -

1 moderate?

2 CHAIRMAN SOUTHERN: Right. Small to moderate.  
3 Okay.

4 ATTORNEY MOLNAR: If there was a listing.

5 CHAIRMAN SOUTHERN: I think we completed --

6 ATTORNEY MOLNAR: We have completed.

7 CHAIRMAN SOUTHERN: -- the initial review.

8 ATTORNEY MOLNAR: The full run-through of Part 2.  
9 Our next challenge is to complete Part 3, the  
10 evaluation of the magnitude of the proposed impacts that  
11 you have identified. My recommendation is that we utilize  
12 the transcript, to summarize it, so that we can have a  
13 meeting then to conclude the magnitude, which as you know,  
14 magnitude considers factors such as the severity, size, and  
15 extent of the impact. The importance related to the  
16 geographic scope, duration of the project, impact  
17 occurring, number of people affected, etc.

18 So, in terms of evaluation of the magnitude, we  
19 are going to have a moderate impact? A large impact? A  
20 moderate impact or a large impact? That's the DEC guidance  
21 from the workbook Part 3.

22 Is it the Board's inclination to run through this  
23 now as it relates to the moderate to large impacts that  
24 have been determined in the 18 questions we just completed?

25 CHAIRMAN SOUTHERN: I would like to be able to do

- EAF (Part 3) -

1 that.

2 ATTORNEY MOLNAR: We would have to go back  
3 through the form and dissect each of the questions.

4 BOARD MEMBER WINKELMAN: How many questions  
5 submitted?

6 ATTORNEY MOLNAR: It's only.

7 CHAIRMAN SOUTHERN: I thought we did it already.

8 ATTORNEY MOLNAR: We have got moderate-to-large.

9 BOARD MEMBER HAMLIN: Duration and possibility?

10 ATTORNEY MOLNAR: Yes. So it's an evaluation.  
11 Then we have got duration, short-term, medium-term,  
12 long-term or irreversible. Then we have got likelihood,  
13 which is unlikely to occur, possibly to occur, or probably  
14 will occur.

15 BOARD MEMBER HAMLIN: There is "importance" as  
16 well, the third one.

17 ATTORNEY MOLNAR: Right. Importance: It's not  
18 important; fairly important; or very important.

19 BOARD MEMBER KASPER: Right.

20 CHAIRMAN SOUTHERN: I think we need to --

21 BOARD MEMBER HAMLIN: Break it down.

22 ATTORNEY MOLNAR: So beginning with evaluation of  
23 the magnitude, importance and determination, we had in  
24 Question 1, identified four moderate-to-large impacts, with  
25 potential to occur. Then we have to evaluate them on

- EAF (Part 3) - Question 1 -

1 duration.

2 Item 1-B: The proposed action may involve  
3 construction on slopes of 15 percent or greater?

4 Identified as moderate-to-large. Now in terms of duration,  
5 is it short-term impact, medium-term impact, long-term  
6 impact or irreversible?

7 BOARD MEMBER KASPER: It's long-term.

8 BOARD MEMBER WINKELMAN: Yes.

9 CHAIRMAN SOUTHERN: Long-term, I am thinking.

10 ATTORNEY MOLNAR: These are impacts which last  
11 for years or as long as the activity that generates the  
12 impact continues to take place.

13 BOARD MEMBER KASPER: I want to say long-term.

14 BOARD MEMBER HAMLIN: Long-term.

15 ATTORNEY LANGEY: What is the impact? I  
16 understand what you're saying. What is the negative  
17 environmental impact for the potential construction on  
18 steep slope? You would have construction on steep slopes.  
19 That won't harm the environment but you could also have the  
20 alternate as well. So if we do a construction which is  
21 properly engineered, on a steep slope, then, ergo, there  
22 would be no impact, negative impact to the environment.

23 MR. CAMP: Right. Won't you use the SEQR finding  
24 to conform your designs, moving forward?

25 ATTORNEY LANGEY: I think the engineers have

- EAF (Part 3) - Question 1 -

1 already addressed it in the past.

2 MR. CAMP: Well the design isn't complete, the  
3 SEQR is done prior to the design use, the SEQR finding, in  
4 order to mitigate the concerns that are identified.

5 BOARD MEMBER WINKELMAN: These are the impacts on  
6 the land. You're carving up a road way in through these  
7 slopes that are on the lake side, and they are permanently  
8 carved in there. It's going to be there forever.

9 BOARD MEMBER KASPER: I think you're always going  
10 to have an opportunity for water runoff which is going to,  
11 called siltation, off of that.

12 ATTORNEY LANGEY: But there is also mitigations  
13 to that.

14 BOARD MEMBER KASPER: I don't think you're there  
15 yet. It's a huge disturbance. I think a plan for  
16 vegetation, maintenance of these things.

17 ATTORNEY LANGEY: Have we identified the area  
18 that comprises the 15 percent or greater slopes? How large  
19 is that area?

20 MR. ZONA: It's like, I don't have a scale.

21 ATTORNEY LANGEY: In discussing the magnitude, I  
22 think it's one hundred -- what is it?

23 MR. ZONA: It's maybe --

24 MR. CAMP: 100 feet by 900 feet?

25 MR. ZONA: Yes. Something like that.

- EAF (Part 3) - Question 1 -

1 MR. CAMP: Couple acres? Two-plus acres? 90,000  
2 square feet.

3 BOARD MEMBER WINKELMAN: What section of the  
4 road?

5 CHAIRMAN SOUTHERN: The whole thing.

6 MR. ZONA: It's not the whole thing. The only  
7 part that's affected is between here and here. That's it.  
8 It's just around this bend.

9 MR. CAMP: Well, no, you're disturbing the red  
10 area on the uphill side of the road for some width.

11 MR. ZONA: In here, that's right. Right. It  
12 stays mostly within 20 feet of the road. Because we are  
13 two-on-one there. There you go. That's probably better.

14 MR. CAMP: Without measuring, my guess is it's  
15 between an acre and two acres.

16 MR. EGGLESTON: To Jill's point, there is already  
17 a road there. And we have gone through a couple scenarios.  
18 Do we leave the road the way it is and do other things to  
19 assist the fire department? Or do we bring it into full  
20 compliance?

21 And we had discussed other options where we would  
22 do the less grading and keep the steeper slope and make it  
23 safe, with the guide rails, with the pull-offs. But then  
24 it was decided to make it fully compliant. Therefore, it  
25 required the additional removal of earth to do more

- EAF (Part 3) - Question 1 -

1 grading.

2 BOARD MEMBER KASPER: Are we negotiating with  
3 them now? We are telling them what our concerns are. They  
4 have got to come back and answer us. Not questions. So we  
5 are not here to negotiate this stuff now. These are our  
6 input to the review. So let us tell you our concerns and  
7 then you will come back.

8 ATTORNEY MOLNAR: So in understanding this  
9 significance, the key characteristics of possible impacts  
10 that should be considered in determining significance are  
11 magnitude, duration, and likelihood. Beginning with  
12 magnitude, we have got a moderate impact or a large impact?

13 CHAIRMAN SOUTHERN: No, we are talking the whole  
14 project, correct?

15 ATTORNEY MOLNAR: No, just the section where we  
16 have got, we identified a potential impact in the form.  
17 Sorry. It was 1-B.

18 CHAIRMAN SOUTHERN: Didn't we make a large  
19 impact?

20 ATTORNEY MOLNAR: 1-B: The proposed action may  
21 involve construction on slopes of 15 percent or greater?

22 CHAIRMAN SOUTHERN: Yes.

23 ATTORNEY MOLNAR: We have got moderate to large  
24 impact may occur. We already discussed it. Let's discuss  
25 duration, is it short-term, medium-term, or long-term, or

- EAF (Part 3) - Question 1 -

1 irreversible?

2 CHAIRMAN SOUTHERN: The effects?

3 BOARD MEMBER HAMLIN: Forever.

4 CHAIRMAN SOUTHERN: I think long-term.

5 BOARD MEMBER KASPER: The effects are long-term.

6 ATTORNEY MOLNAR: Permanent? Permanent or  
7 irreversible? These are impacts that occur where the  
8 environment can't return to its original state at any time  
9 or in any way?

10 BOARD MEMBER HAMLIN: I would say long-term.

11 ATTORNEY MOLNAR: Long-term. These are impacts  
12 that last for years or as long as the activity that  
13 generates the impact continues to take place.

14 BOARD MEMBER HAMLIN: Yes.

15 BOARD MEMBER KASPER: A-hum.

16 BOARD MEMBER WINKELMAN: Permanent likelihood.

17 ATTORNEY MOLNAR: I am sorry. I didn't catch the  
18 Board's conclusion on that? Long-term or irreversible?

19 CHAIRMAN SOUTHERN: Long-term.

20 BOARD MEMBER MARSHALL: Long.

21 BOARD MEMBER WINKELMAN: I thought it was  
22 irreversible. Are you going to put that back on when they  
23 are all done?

24 BOARD MEMBER HAMLIN: Mother nature could.

25 BOARD MEMBER MARSHALL: You can't.

- EAF (Part 3) - Question 1 -

1 ATTORNEY MOLNAR: You can't un-ring the bell.

2 BOARD MEMBER MARSHALL: Exactly. In terms of  
3 what you have just read, it's irreversible in terms of  
4 what.

5 BOARD MEMBER WINKELMAN: Right, I agree.

6 CHAIRMAN SOUTHERN: Put back in there.

7 ATTORNEY MOLNAR: It's unlikely that the resource  
8 can be used again.

9 BOARD MEMBER HAMLIN: If nobody buys the houses,  
10 second time around, mother nature.

11 ATTORNEY MOLNAR: The construction of a structure  
12 which permanently --

13 ATTORNEY LANGEY: Could I interrupt for a moment,  
14 our stenographer is not getting all this down.

15 ATTORNEY MOLNAR: Construction of a structure  
16 that permanently alters a scenic view in a negative way.  
17 That's one of the bullets.

18 CHAIRMAN SOUTHERN: I don't think nature could  
19 ever bring it back.

20 BOARD MEMBER WINKELMAN: Right. The duration is  
21 permanent.

22 CHAIRMAN SOUTHERN: It's a road.

23 ATTORNEY MOLNAR: So, duration is?

24 CHAIRMAN SOUTHERN: Forever.

25 ATTORNEY MOLNAR: Irreversible. Then likelihood:

- EAF (Part 3) - Question 1 -

1 Unlikely to occur, possibly to occur or probably will  
2 occur?

3 CHAIRMAN SOUTHERN: Probably will occur.

4 BOARD MEMBER MARSHALL: Probably.

5 ATTORNEY MOLNAR: You can't get up the hill  
6 without it.

7 CHAIRMAN SOUTHERN: Right.

8 ATTORNEY MOLNAR: And the fire department  
9 requires it.

10 The next, moderate to large impact, is set forth  
11 in item 1-D: The proposed action may involve the  
12 excavation and removal of more than 1,000 tons of natural  
13 material. However, that question related to mining.

14 BOARD MEMBER HAMLIN: Do we have to do  
15 "important" on that too, on 1-B? We have got duration.  
16 This is an important category.

17 ATTORNEY MOLNAR: Importance, it's set forth in  
18 the charts the DEC provides. However, okay, I am sorry.  
19 Guidance on that point is for: The importance of an impact  
20 is more subjective and is based on the combination of  
21 magnitude, duration, likelihood and specific environmental  
22 setting where the activity is proposed, and on the values,  
23 history, and preferences of the community.

24 BOARD MEMBER KASPER: Long-term.

25 CHAIRMAN SOUTHERN: Extreme.

## - EAF (Part 3) - Question 1 -

1 BOARD MEMBER HAMLIN: There are four choices.  
2 There is very, fairly and not?

3 BOARD MEMBER MARSHALL: Not important?

4 CHAIRMAN SOUTHERN: Very important. How could it  
5 be anything else?

6 BOARD MEMBER HAMLIN: I guess how to call very  
7 important.

8 ATTORNEY MOLNAR: Very important for 1-B. Okay.

9 Moving onto the next moderate-to-large impact, is  
10 1-D: The proposed action may involve the excavation and  
11 removal of more than 1,000 tons of natural material. That,  
12 you will recall, is related to a mining activity, subject  
13 to Mining Land Reclamation.

14 ATTORNEY LANGEY: Scott, could I have 1-D?

15 CHAIRMAN SOUTHERN: Yes.

16 ATTORNEY LANGEY: My notes show you went back and  
17 checked that as a "no." It was a small impact. Because of  
18 what you had said.

19 ATTORNEY MOLNAR: The DEC question on point is  
20 related to mining aspect.

21 ATTORNEY LANGEY: Yes.

22 ATTORNEY MOLNAR: Materials leaving the site.

23 CHAIRMAN SOUTHERN: Right.

24 ATTORNEY LANGEY: F is the next one I have is a  
25 potential.

- EAF (Part 3) - Question 1 -

1           ATTORNEY MOLNAR: Yes. F: The proposed action  
2 may result in increased erosion, whether from physical  
3 disturbance or vegetation removal (including treatment by  
4 herbicides). So for purposes of significance here, we have  
5 to review magnitude. Is there a moderate impact or a large  
6 impact?

7           CHAIRMAN SOUTHERN: Large.

8           BOARD MEMBER HAMLIN: Large.

9           ATTORNEY MOLNAR: And its duration, is it  
10 short-term, medium-term, long-term, or irreversible?

11           CHAIRMAN SOUTHERN: Irreversible. Once it's  
12 done, it's done.

13           ATTORNEY MOLNAR: May result in increased erosion  
14 from physical --

15           ATTORNEY LANGEY: Scott, would the Board consider  
16 the mitigations offered? Which is stormwater designs and  
17 permits that will prevent this from occurring?

18           BOARD MEMBER MARSHALL: Yes, yes. I think with  
19 mitigation efforts, it could be long-term.

20           BOARD MEMBER KASPER: Yes. Mitigation, you're  
21 going to.

22           ATTORNEY LANGEY: We say it could be avoided with  
23 the appropriate stormwater measurements in place; that's  
24 how we would design it.

25           CHAIRMAN SOUTHERN: With mitigation, it probably

- EAF (Part 3) - Question 1 -

1 drops it back to moderate.

2 BOARD MEMBER WINKELMAN: I would say moderate  
3 also.

4 BOARD MEMBER HAMLIN: Okay.

5 BOARD MEMBER KASPER: A-hum.

6 BOARD MEMBER WINKELMAN: See what the choices?

7 ATTORNEY MOLNAR: Then likelihood: Is it  
8 unlikely to occur, possibly will occur, probably will  
9 occur?

10 CHAIRMAN SOUTHERN: Possibly.

11 BOARD MEMBER HAMLIN: Possibly.

12 BOARD MEMBER KASPER: Probably.

13 BOARD MEMBER HAMLIN: What did we end up on that  
14 possibly or probably?

15 BOARD MEMBER KASPER: Probably.

16 ATTORNEY MOLNAR: And importance?

17 CHAIRMAN SOUTHERN: Wait a minute, Scott. Where  
18 did we go with that? Possibly or probably?

19 BOARD MEMBER WINKELMAN: Possibly.

20 BOARD MEMBER HAMLIN: I said possibly, within the  
21 context of mitigation.

22 BOARD MEMBER KASPER: All right. All right.

23 CHAIRMAN SOUTHERN: Possibly. There we go.

24 Okay. Now you can go on.

25 ATTORNEY MOLNAR: So importance: Following the

- EAF (Part 3) - Question 1 -

1 DEC's method to create the box. Importance is: Not  
2 important, fairly important or very important?

3 CHAIRMAN SOUTHERN: Fairly.

4 BOARD MEMBER KASPER: Fairly.

5 ATTORNEY MOLNAR: Importance is --

6 CHAIRMAN SOUTHERN: It's got to be more than  
7 "fairly."

8 ATTORNEY MOLNAR: Importance of an impact is more  
9 subjective, it's based on a combination --

10 CHAIRMAN SOUTHERN: Very -- very important.

11 BOARD MEMBER WINKELMAN: In the lake watershed.

12 ATTORNEY MOLNAR: Moving on to the next  
13 moderate-to-large impact determined.

14 MR. ZONA: I was just going to ask what was  
15 duration for that? What was Brillo's construction for the  
16 road? Was what a month?

17 THE APPLICANT: Yes. One month.

18 MR. ZONA: That's what I was wondering. It  
19 would, it would probably be short-term.

20 BOARD MEMBER WINKELMAN: But again, this is not  
21 your typical construction site. There is still some  
22 severely steep slopes on the construction site, and things  
23 done.

24 MR. ZONA: But that duration though, you're  
25 talking about, which would be short.

- EAF (Part 3) - Question 1 -

1 BOARD MEMBER WINKELMAN: The duration of the --

2 MR. ZONA: The duration of the road construction.  
3 The contractor is going to -- he told us he was going to do  
4 it in a month.

5 CHAIRMAN SOUTHERN: For when he disturbs and  
6 until it stabilizes.

7 MR. ZONA: Month and-a-half.

8 BOARD MEMBER WINKELMAN: It varies.

9 MR. ZONA: Your steep slopes are going to go  
10 away. In six months, are going to go away. There are  
11 several erosion products that are readily available. I  
12 could show three or four. All you have got to do is look  
13 them up on the Internet. Some of them stabilize within  
14 four hours. So the fact that you're going to have an open  
15 erosion condition, for more than, the only amount of time  
16 that the soil is open while you're working on it is highly  
17 unlikely.

18 BOARD MEMBER WINKELMAN: I still think it will  
19 take years to reestablish somebody's shale soil on steep  
20 slopes.

21 MR. ZONA: It's not even a discussion. It won't  
22 be more than six months at the very most. But if you do it  
23 at the right time of year, it's going to be a couple of  
24 weeks. And if you put a certain control product to --  
25 which is right near, you can spray -- and John is even

- EAF (Part 3) - Question 1 -

1 familiar with it. I asked him, a geo-spray [ph], you can  
2 stabilize it within four hours. So there is a hundred  
3 products on the market that you can stabilize slopes and  
4 vegetate slopes with. None of them are proprietary. So  
5 the duration of this thing should be very minimal.

6 BOARD MEMBER WINKELMAN: So the soils are going  
7 to be --

8 MR. ZONA: It's not soil; it's shale. You could  
9 stabilize it within a very short period of time.

10 BOARD MEMBER MARSHALL: You're talking about  
11 construction. Talking about the long-term impact?

12 MR. ZONA: Using the spray -- the other spray-on  
13 products require you to establish vegetation. It still  
14 stabilizes. It's sprayed on. It's like a sprayed-on  
15 adhesive product. It's like glue. It sticks there. But  
16 it also has seed there. You could get a whole bunch of  
17 different ones. It holds the soil in place while waiting  
18 for the vegetative growth.

19 BOARD MEMBER MARSHALL: I get that in my mind.  
20 We weren't looking at just that little blip of time when  
21 you're stabilizing.

22 ATTORNEY MOLNAR: This question relates to impact  
23 on land: Proposed action may involve construction on or  
24 physical alteration of the land surface of the proposed  
25 site.

- EAF (Part 3) - Question 1 -

1 MR. ZONA: So if your construction schedule is a  
2 couple of months, it's not --

3 BOARD MEMBER MARSHALL: Just the construction  
4 phase?

5 ATTORNEY MOLNAR: I don't think so.

6 BOARD MEMBER KASPER: Okay. It's long-term.  
7 Creating 15 percent slopes, you're always going to get  
8 water coming down there. Always going to be some soil  
9 erosion.

10 MR. ZONA: You're saying that for the rest of the  
11 County. That's every piece of land in the entire County.

12 BOARD MEMBER KASPER: No. We are looking for the  
13 long-term solution. That's an unreasonable standard, I  
14 guess, to apply.

15 BOARD MEMBER WINKELMAN: Undisturbed areas.

16 MR. ZONA: You have got farm fields up the road  
17 that give you more. Your stabilization is going to occur  
18 within two months of construction.

19 BOARD MEMBER MARSHALL: We are discussing, we  
20 are cutting further into a slope, and so we are creating a  
21 situation that is not --

22 MR. ZONA: The condition is irreversible, that's  
23 correct. But the stabilization and erosion of it will be  
24 totally fixed.

25 BOARD MEMBER MARSHALL: Are we talking about

- EAF (Part 3) - Question 1 -

1 just that construction phase or?

2 ATTORNEY MOLNAR: I don't think so. I think it's  
3 impact on land.

4 BOARD MEMBER MARSHALL: So the overall impact is,  
5 what is -- what I was thinking about, not just the  
6 construction. I understand what you're saying about the  
7 products and stabilization.

8 MR. ZONA: I wanted to clarify. You guys were  
9 talking about erosion in your comments.

10 MR. EGGLESTON: Well, "B." talked about the  
11 irreversible. You re-shaped the slope. Okay. And you  
12 said that's irreversible. Okay. Now you're coming down to  
13 "F," which talks about increased erosion. So is the  
14 erosion irreversible? No. It's fixable.

15 BOARD MEMBER MARSHALL: Correct.

16 MR. EGGLESTON: It's fixable within four hours.  
17 It's fixable within six months.

18 MR. ZONA: Right.

19 MR. EGGLESTON: You have different levels of  
20 getting it back to an appropriate stage.

21 BOARD MEMBER MARSHALL: But then potentially --

22 BOARD MEMBER WINKELMAN: There are some people  
23 think that it's never going to be fully stabilized because  
24 it's crappy soil.

25 MR. EGGLESTON: And some people think that way.

- EAF (Part 3) - Question 1 -

1 BOARD MEMBER MARSHALL: I guess we were, based on  
2 that logic, we were following the right path. Then the  
3 next question, you're saying it was possible.

4 CHAIRMAN SOUTHERN: Possible.

5 MR. ZONA: But under the duration, it would be  
6 short.

7 ATTORNEY MOLNAR: In the likelihood, that's the  
8 unlikelihood to occur, possibly to occur, or probably will  
9 occur -- is where the Board ended up.

10 CHAIRMAN SOUTHERN: Likely.

11 BOARD MEMBER HAMLIN: We ended up at possible.

12 ATTORNEY MOLNAR: Thank you.

13 CHAIRMAN SOUTHERN: Possible. You're right.

14 ATTORNEY MOLNAR: And then the importance of the  
15 impact being more subjective?

16 CHAIRMAN SOUTHERN: Very.

17 ATTORNEY MOLNAR: Very? Okay.

18 BOARD MEMBER HAMLIN: We still don't have a  
19 short, long, or irreversible. That was the last thing we  
20 said.

21 BOARD MEMBER MARSHALL: I guess I was thinking it  
22 was just possibly long-term. I wasn't thinking  
23 irreversible. That's what we got into the discussion  
24 about, mitigating factors.

25 BOARD MEMBER KASPER: I said long-term. I am

- EAF (Part 3) - Question 1 -

1 looking beyond just the construction.

2 BOARD MEMBER MARSHALL: As was I.

3 CHAIRMAN SOUTHERN: We haven't established it  
4 yet, long-term?

5 BOARD MEMBER WINKELMAN: What were the other  
6 choices before that.

7 ATTORNEY MOLNAR: Short-term, medium-term,  
8 long-term or irreversible?

9 BOARD MEMBER WINKELMAN: We are still on F.?

10 ATTORNEY MOLNAR: Yes.

11 BOARD MEMBER KASPER: Yes.

12 BOARD MEMBER WINKELMAN: I would say either  
13 medium or long-term, yes.

14 CHAIRMAN SOUTHERN: I think we are in agreement  
15 on "long."

16 BOARD MEMBER KASPER: Yes.

17 ATTORNEY MOLNAR: Thank you. Moving on to the  
18 next one was: Other Impacts? Proximity to Skaneateles  
19 Lake. The impact on the land: Proposed action may  
20 involve --

21 CHAIRMAN SOUTHERN: A-hum.

22 ATTORNEY MOLNAR: The magnitude there. Is it  
23 moderate impact or large impact?

24 CHAIRMAN SOUTHERN: Large.

25 ATTORNEY MOLNAR: And the reason you chose large,

- EAF (Part 3) - Question 1 -

1 Joe?

2 CHAIRMAN SOUTHERN: What we said before?

3 ATTORNEY MOLNAR: If we can find it in the  
4 transcript --

5 BOARD CLERK: There were steep slopes that were  
6 going to be modified to end up being 30 to 100 percent in  
7 the lake watershed.

8 BOARD MEMBER KASPER: So the impact, it could be  
9 possible erosion and siltation into the lake.

10 ATTORNEY MOLNAR: So the magnitude on that,  
11 moderate or large?

12 CHAIRMAN SOUTHERN: With mitigating features,  
13 probably moderate.

14 BOARD MEMBER WINKELMAN: Yes. Yes, I would say  
15 moderate.

16 BOARD MEMBER KASPER: Right.

17 ATTORNEY MOLNAR: And duration: Short, medium  
18 long, or irreversible, term?

19 CHAIRMAN SOUTHERN: There is always going to be  
20 runoff. The quality of the runoff? Medium?

21 BOARD MEMBER MARSHALL: Duration?

22 BOARD MEMBER HAMLIN: Could be the same.

23 BOARD MEMBER MARSHALL: It could be long-term but  
24 mitigated long-term.

25 BOARD MEMBER HAMLIN: Possible.

- EAF (Part 3) - Question 1 -

1 ATTORNEY MOLNAR: Get to the likelihood or the  
2 possibility. Is it unlikely, possible or probable?

3 BOARD MEMBER KASPER: Possible.

4 CHAIRMAN SOUTHERN: Possible.

5 BOARD MEMBER HAMLIN: Possible.

6 BOARD MEMBER WINKELMAN: Possible.

7 ATTORNEY MOLNAR: And the importance of that?

8 CHAIRMAN SOUTHERN: Very.

9 BOARD MEMBER KASPER: Very.

10 BOARD MEMBER HAMLIN: Let me ask a question which  
11 we didn't get to our first time through. I know Rudy sent  
12 a note on this, John. He indicated in one of his  
13 memorandum notes there has to be a temporary access road or  
14 some kind of feature during construction. You had sent a  
15 note that I think Eric Brillo said that wasn't necessary?

16 MR. ZONA: Correct.

17 CHAIRMAN SOUTHERN: What was your conclusion on  
18 that?

19 MR. CAMP: No, I think that's not what Rudy's  
20 note said. What I pointed out was that the road wasn't  
21 able to be built, there would need to be a temporary access  
22 road. There is some point, there would have to be a route  
23 around at least some part of the road. I think Rudy  
24 generally agreed with that.

25 MR. ZONA: Brillo's conversation that I had with

- EAF (Part 3) - Question 1 -

1 him said that, at some point, my understanding of how it's  
2 going to be built is that this part will be built first.  
3 This upper part, this curve in the road, will stay until  
4 the last possible moment when this connection is made.  
5 When this connection needs to be made, you will get some  
6 shaving here, and then you will get some shaving here.  
7 There will always be access up this road until this is in  
8 service. Always. There will never be a time when Mr.  
9 Nangle or Weaver won't able to get to their house. Some of  
10 the slopes in here will be a little steeper than the 14  
11 percent you have out during construction. But you will  
12 never not have access, drivable up to for a car to get up  
13 to the house. That's what Brillo explained, John. I think  
14 I expressed that to you the other day. Is that right?

15 MR. CAMP: Yes. There have to be some temporary  
16 situations created during construction to create  
17 continuance access.

18 MR. ZONA: That's right. But Brillo also said,  
19 the construction here, and the modification to the road  
20 will be continuous, you know. Obviously, he will be  
21 working on it. He will always leave access for someone to  
22 get by, to get into those houses, John, he said there may  
23 be a bump out in one section.

24 BOARD MEMBER HAMLIN: It will be part of the  
25 construction. You won't have to abandon it and built

- EAF (Part 3) - Question 3 -

1 another?

2 MR. ZONA: Correct. Right.

3 ATTORNEY MOLNAR: That was No. 1. Yes. The next  
4 identified moderate-to-large impact is 3-E: The proposed  
5 -- Impact on Surface Water. The proposed action may affect  
6 one or more wetlands or other surface water bodies (such as  
7 streams, rivers, ponds or lakes).

8 E.: The proposed action may create turbidity in  
9 a water body, either from upland erosion, runoff or by  
10 disturbing bottom sediments.

11 We have already got the moderate-to-large impact.  
12 So the duration: Short-term, medium-term, or long-term, or  
13 irreversible?

14 BOARD MEMBER HAMLIN: I go long-term possible on  
15 this. Again, this is the heavy storm.

16 BOARD MEMBER KASPER: Yes.

17 BOARD MEMBER HAMLIN: In my mind, it's the heavy  
18 storm scenario.

19 ATTORNEY MOLNAR: Long-term. And likelihood is  
20 possible to occur, given the frequency?

21 CHAIRMAN SOUTHERN: Right.

22 ATTORNEY MOLNAR: Then the importance.

23 ATTORNEY LANGEY: Is the assumption that the  
24 measures that our engineers are proposing would fail, then  
25 that's how you get to that answer? If they are working,

- EAF (Part 3) - Question 3 -

1 then there wouldn't be long-term.

2 BOARD MEMBER HAMLIN: I guess that is the  
3 assumption. Nothing I have, nothing to base it on other  
4 than what we saw, the last heavy storm, when that wasn't in  
5 place.

6 ATTORNEY LANGEY: Yes. Our assumption was that,  
7 with this project, it's going to be handled properly by the  
8 right people.

9 CHAIRMAN SOUTHERN: You heard that?

10 BOARD MEMBER WINKELMAN: So that stormwater  
11 control structure, it's designed for what kind of storm?

12 MR. ZONA: 100-year storm.

13 BOARD MEMBER WINKELMAN: 100?

14 MR. CAMP: For a variety of storms through 200.

15 MR. ZONA: That's more accurate. Correct.

16 BOARD MEMBER WINKELMAN: If it goes over that?

17 MR. ZONA: It's an act of God. Then you  
18 better --

19 BOARD MEMBER WINKELMAN: Mark Berger said one  
20 year we had the equivalent of three 500-year storms with  
21 snow melt and things.

22 MR. ZONA: Well, people say that. But it's not,  
23 it's a short burst of intensity. And the volume isn't  
24 there.

25 MR. CAMP: It's a very difficult thing to

1 quantify in nature.

2 MR. ZONA: There is an emergency spillway. You  
3 never know.

4 MR. CAMP: It's all an infinite number, an  
5 infinite number of versions of 100-year storms, depending  
6 on the variation. It could be ten-minute things or three  
7 days.

8 MR. ZONA: Somebody says 100-year storms, the way  
9 we quantify it, you could say you could classify it with  
10 intensity. That may be a little different than by volume  
11 which may be a little different than modeling it through  
12 your routing. This is like John said, there is one hundred  
13 ways. If you want to word it one way to get your argument  
14 out, you could do it.

15 Stormwater is all about risk. I mean, you're  
16 defending against a certain storm, the likelihood of  
17 something happening. That's all, you're mitigating your  
18 risk and lowering it based on what storm you plan for.  
19 That's all different. Different size, you got a bath tub  
20 there that's going to hold a certain amount of water. If  
21 God dumps a little more water on you, it's going to fill  
22 up.

23 ATTORNEY MOLNAR: We have gotten through possibly  
24 likelihood on the importance of that impact. Objective?

25 MR. ZONA: Once every 100 years.

- EAF (Part 3) - Question 3 -

1 BOARD MEMBER HAMLIN: Once every 100 years. It's  
2 important.

3 ATTORNEY MOLNAR: The importance of a -- it's  
4 based on duration -- where the -- is proposed.

5 BOARD MEMBER WINKELMAN: It's fairly important.

6 BOARD MEMBER KASPER: It flows into the lake.

7 CHAIRMAN SOUTHERN: Yes, anything would have an  
8 impact.

9 ATTORNEY MOLNAR: So in the DEC charts they have:  
10 Not important; fairly important; or very important.

11 CHAIRMAN SOUTHERN: Without mitigation, it's  
12 fairly.

13 BOARD MEMBER KASPER: Yes, I guess fairly.

14 ATTORNEY MOLNAR: Fairly important? And the next  
15 moderate-to-large impact identified is under 3-H: The  
16 proposed action may cause soil erosion or otherwise create  
17 a source of stormwater discharge that may lead to siltation  
18 or other degradation of receiving water bodies. I think we  
19 went through that. You used the same criteria.

20 CHAIRMAN SOUTHERN: Yes.

21 BOARD MEMBER KASPER: Same logic exactly.

22 CHAIRMAN SOUTHERN: You have got the same  
23 magnitude.

24 BOARD MEMBER HAMLIN: Large, long-term, possibly.

25 ATTORNEY MOLNAR: The term likelihood and

- EAF (Part 3) - Question 3 -

1 importance?

2 BOARD MEMBER HAMLIN: Yes.

3 CHAIRMAN SOUTHERN: The next is item I, 3-I: The  
4 proposed action may affect the water quality of any water  
5 bodies within or downstream of the site or proposed action?  
6 I think we also used the same criteria. It was discussed  
7 in terms of determining magnitude.

8 BOARD MEMBER HAMLIN: Yes.

9 ATTORNEY MOLNAR: The Board likes to use the same  
10 conclusion and significance, that is -- it was 3-I, was  
11 moderate to large. Then we have to determine.

12 BOARD MEMBER KASPER: I have small impact.

13 ATTORNEY MOLNAR: 3-I.

14 BOARD CLERK: Moderate to large.

15 CHAIRMAN SOUTHERN: Moderate to large.

16 ATTORNEY MOLNAR: So in terms of magnitude, is  
17 that a moderate or large?

18 BOARD MEMBER HAMLIN: What did we say for H.?

19 BOARD CLERK: Large.

20 CHAIRMAN SOUTHERN: I think it has to be the  
21 same.

22 BOARD MEMBER KASPER: Same.

23 ATTORNEY MOLNAR: Same. And duration?

24 BOARD MEMBER HAMLIN: I wouldn't characterize it  
25 the same way. Long-term and possible.

- EAF (Part 3) - Question 3 -

1 ATTORNEY MOLNAR: Possible. And importance?

2 BOARD MEMBER KASPER: Fairly.

3 CHAIRMAN SOUTHERN: Very.

4 BOARD MEMBER HAMLIN: If it's, it's very?

5 CHAIRMAN SOUTHERN: Yes. Very.

6 BOARD MEMBER MARSHALL: Very.

7 ATTORNEY MOLNAR: And the consensus. That

8 concludes No. 3. The next is --

9 BOARD CLERK: No. 9.

10 ATTORNEY MOLNAR: 9-C. That's Impact on  
11 Aesthetic Resources. The land use of the proposed action  
12 are obviously different from, or are in sharp contrast to  
13 current land use patterns between the proposed project and  
14 a scenic or aesthetic resource.

15 And C.: The proposed action may be visible from  
16 publicly accessible vantage points. And then Roman I:  
17 Seasonally. Roman II: Is year-round. And each of which  
18 were found moderate-to-large.

19 BOARD MEMBER WINKELMAN: We have to choose  
20 between that?

21 ATTORNEY MOLNAR: Yes, in terms of magnitude, is  
22 it moderate or large?

23 BOARD MEMBER WINKELMAN: I would say moderate.

24 CHAIRMAN SOUTHERN: Moderate.

25 BOARD MEMBER KASPER: On both of them.

- EAF (Part 3) - Question 9 -

1 ATTORNEY MOLNAR: And duration?

2 BOARD MEMBER HAMLIN: It's there forever.

3 ATTORNEY MOLNAR: Irreversible? I am sorry.

4 CHAIRMAN SOUTHERN: What?

5 BOARD MEMBER MARSHALL: I agree.

6 BOARD MEMBER KASPER: The duration is long-term.

7 CHAIRMAN SOUTHERN: Long or forever?

8 BOARD MEMBER MARSHALL: What did that say?

9 ATTORNEY MOLNAR: Long-term: These are impacts

10 that last for years or as long as the activity that

11 generates the impact continues to take place.

12 Irreversible: As these are impacts that occur where the

13 environment can't return to its original state at any time

14 or in any way.

15 BOARD MEMBER MARSHALL: Long-term.

16 BOARD MEMBER WINKELMAN: I think long-term.

17 CHAIRMAN SOUTHERN: Long-term.

18 ATTORNEY MOLNAR: And likelihood? Unlikely,

19 possibly or probably? Possibly?

20 CHAIRMAN SOUTHERN: I mean everything is being

21 mitigated in one way or another, right? I assume they will

22 try that.

23 ATTORNEY MOLNAR: The question is: The proposed

24 action may be visible from publicly accessible vantage

25 points.

- EAF (Part 3) - Question 9 -

1 BOARD MEMBER HAMLIN: Probable.

2 BOARD MEMBER MARSHALL: Probable.

3 ATTORNEY MOLNAR: And the "importance" of that?

4 CHAIRMAN SOUTHERN: I would say fairly.

5 BOARD MEMBER WINKELMAN: I would say fairly.

6 BOARD MEMBER KASPER: Fairly.

7 ATTORNEY MOLNAR: The DEC chart has "not, fairly  
8 or very"?

9 CHAIRMAN SOUTHERN: Fairly. Fairly.

10 BOARD MEMBER HAMLIN: Fairly.

11 BOARD MEMBER WINKELMAN: Give it an F.

12 ATTORNEY MOLNAR: Do your answers apply to both  
13 Roman I, seasonally? Or Roman II, year-round?

14 BOARD MEMBER KASPER: Yes.

15 CHAIRMAN SOUTHERN: Yes.

16 ATTORNEY MOLNAR: The next is item D.: The  
17 situation or activity in which viewers are engaged while  
18 viewing the proposed action is: Roman II: Recreational or  
19 tourism based activities?

20 CHAIRMAN SOUTHERN: Yes.

21 ATTORNEY MOLNAR: We have moderate-to-large. Is  
22 it moderate or large?

23 CHAIRMAN SOUTHERN: Moderate.

24 BOARD MEMBER HAMLIN: Moderate.

25 ATTORNEY MOLNAR: And its duration?

- EAF (Part 3) - Question 9 -

1 CHAIRMAN SOUTHERN: As long-term.

2 BOARD MEMBER MARSHALL: Long-term.

3 BOARD MEMBER HAMLIN: Long-term.

4 ATTORNEY MOLNAR: And its likelihood?

5 BOARD MEMBER HAMLIN: Probably.

6 BOARD MEMBER MARSHALL: Probably.

7 ATTORNEY MOLNAR: Probably?

8 BOARD MEMBER KASPER: Yes.

9 ATTORNEY MOLNAR: And then the importance: Not,  
10 fairly, or very?

11 CHAIRMAN SOUTHERN: Very.

12 BOARD MEMBER WINKELMAN: I was going to say  
13 fairly.

14 CHAIRMAN SOUTHERN: Fairly. After all the  
15 concerns we heard about, aesthetics?

16 MR. EGGLESTON: Are people not going to go into  
17 the lake because of this?

18 BOARD MEMBER WINKELMAN: No. Just because it's  
19 too cold?

20 CHAIRMAN SOUTHERN: We will poll you, Don.

21 BOARD MEMBER KASPER: Fairly.

22 CHAIRMAN SOUTHERN: Jill?

23 BOARD MEMBER MARSHALL: I will say fairly.

24 BOARD MEMBER HAMLIN: Fairly.

25 CHAIRMAN SOUTHERN: Very.

- EAF (Part 3) - Question 9/17 -

1 BOARD MEMBER WINKELMAN: Fairly.

2 CHAIRMAN SOUTHERN: So F --

3 ATTORNEY MOLNAR: Four to one. And the next  
4 moderate to large impact, 17-H. We had three. They were  
5 the "Other" category. So we have got Other. It's  
6 development on steep slope in a difficult site.

7 BOARD MEMBER WINKELMAN: Precedent of it.

8 ATTORNEY MOLNAR: And the precedent.  
9 Moderate-to-large. What is the Board's feeling, is it  
10 moderate or is it large?

11 BOARD MEMBER HAMLIN: This is the precedent  
12 question?

13 CHAIRMAN SOUTHERN: Right. Probably moderate.

14 BOARD MEMBER KASPER: Yes, moderate.

15 CHAIRMAN SOUTHERN: Expensive building. Anything  
16 on it moderate. Anybody?

17 BOARD MEMBER WINKELMAN: Moderate sounds good.

18 BOARD MEMBER MARSHALL: Moderate.

19 ATTORNEY MOLNAR: Duration?

20 BOARD MEMBER KASPER: Probably long-term.

21 BOARD MEMBER HAMLIN: Long-term.

22 CHAIRMAN SOUTHERN: Got to be.

23 BOARD MEMBER WINKELMAN: Long.

24 ATTORNEY MOLNAR: And likelihood: Unlikely  
25 possibly or probably?

- EAF (Part 3) - Question 17 -

1 BOARD MEMBER MARSHALL: I would say possibly.

2 BOARD MEMBER KASPER: I would say possibly.

3 BOARD MEMBER HAMLIN: We were talking about  
4 possibly.

5 CHAIRMAN SOUTHERN: Yes, possibly.

6 ATTORNEY MOLNAR: And the importance?

7 BOARD MEMBER KASPER: Fairly.

8 BOARD MEMBER WINKELMAN: Fairly.

9 CHAIRMAN SOUTHERN: Fairly? Consensus.

10 BOARD MEMBER MARSHALL: Yes.

11 BOARD MEMBER HAMLIN: Fairly.

12 BOARD MEMBER WINKELMAN: Sounds good.

13 CHAIRMAN SOUTHERN: Fairly. Consensus.

14 ATTORNEY MOLNAR: Fairly the second other, lake  
15 access, creating opportunities for pedestrian crossings.  
16 From moderate-to-large?

17 BOARD MEMBER KASPER: I would say moderate.

18 BOARD MEMBER WINKELMAN: Yes.

19 CHAIRMAN SOUTHERN: I could do moderate.

20 BOARD MEMBER MARSHALL: Moderate.

21 ATTORNEY MOLNAR: Duration?

22 BOARD MEMBER HAMLIN: It's always there.

23 ATTORNEY MOLNAR: Long-term.

24 BOARD MEMBER MARSHALL: Long-term.

25 BOARD MEMBER KASPER: Long-term.

- EAF (Part 3) - Question 17 -

1 CHAIRMAN SOUTHERN: Yes. Long-term.

2 ATTORNEY MOLNAR: Likelihood?

3 BOARD MEMBER KASPER: Possibly.

4 BOARD MEMBER HAMLIN: Possibly.

5 ATTORNEY MOLNAR: And importance?

6 BOARD MEMBER KASPER: Fairly.

7 BOARD MEMBER MARSHALL: Fairly.

8 BOARD MEMBER HAMLIN: Fairly.

9 CHAIRMAN SOUTHERN: Fairly. Fairly, Scott.

10 BOARD MEMBER WINKELMAN: Yes.

11 CHAIRMAN SOUTHERN: Fairly.

12 BOARD MEMBER KASPER: I was going to say probable  
13 on the crossing.

14 BOARD MEMBER WINKELMAN: I guess it doesn't  
15 matter, possibly. All right. Do we have a third one?

16 ATTORNEY MOLNAR: The third is precedent-setting,  
17 encouraging similar actions? Developments?

18 BOARD CLERK: It was the shared.

19 BOARD MEMBER WINKELMAN: Precedent.

20 ATTORNEY MOLNAR: Okay. Is that a moderate  
21 impact or a large impact?

22 CHAIRMAN SOUTHERN: It depends on whether it is  
23 going to happen or whether it's just a point that we  
24 assume, assuming that it's going to happen.

25 BOARD MEMBER HAMLIN: Assuming it's going to

- EAF (Part 3) - Question 17 -

1       happen, I would say it's large.

2               BOARD MEMBER KASPER: I would say it's large.

3               BOARD MEMBER WINKELMAN: I would say large.

4               BOARD MEMBER KASPER: If it goes through,  
5       everybody owning land will be thinking of that.

6               CHAIRMAN SOUTHERN: Right. Jill, large?

7               BOARD MEMBER MARSHALL: Yes.

8               CHAIRMAN SOUTHERN: Live with that?

9               BOARD MEMBER WINKELMAN: Good.

10              CHAIRMAN SOUTHERN: Large is the consensus.

11              ATTORNEY MOLNAR: And duration?

12              BOARD MEMBER KASPER: Long-term.

13              CHAIRMAN SOUTHERN: I guess, yes, long-term.

14              BOARD MEMBER WINKELMAN: A-hum.

15              ATTORNEY MOLNAR: And likelihood?

16              BOARD MEMBER HAMLIN: Possible.

17              BOARD MEMBER KASPER: Possible.

18              CHAIRMAN SOUTHERN: Possible.

19              BOARD MEMBER WINKELMAN: A-hum.

20              CHAIRMAN SOUTHERN: Possibly.

21              BOARD MEMBER MARSHALL: Possibly.

22              ATTORNEY MOLNAR: And importance?

23              CHAIRMAN SOUTHERN: Very.

24              BOARD MEMBER HAMLIN: Very.

25              BOARD MEMBER MARSHALL: Very.

- EAF (Part 3) - Question 18 -

1 BOARD MEMBER KASPER: Very.

2 CHAIRMAN SOUTHERN: Very with a "v."

3 ATTORNEY MOLNAR: Moving onto the next, and last,  
4 is 18: Consistency with Community Character. It's F.:  
5 Proposed action is inconsistent with the character of the  
6 existing natural landscape.

7 CHAIRMAN SOUTHERN: The road.

8 BOARD MEMBER KASPER: Yes, the road.

9 ATTORNEY MOLNAR: Is it moderate or is it large?

10 CHAIRMAN SOUTHERN: Large.

11 BOARD MEMBER KASPER: Large.

12 ATTORNEY MOLNAR: Its duration?

13 BOARD MEMBER KASPER: Long-term.

14 CHAIRMAN SOUTHERN: Agreed?

15 BOARD MEMBER MARSHALL: Agreed.

16 CHAIRMAN SOUTHERN: Long-term.

17 ATTORNEY MOLNAR: And as long as it continues.

18 And likelihood?

19 BOARD MEMBER HAMLIN: I would say probably.

20 BOARD MEMBER WINKELMAN: Yes, if they are going  
21 to build it.

22 ATTORNEY MOLNAR: Impacts that are very likely to  
23 occur.

24 CHAIRMAN SOUTHERN: Right. Yes.

25 ATTORNEY MOLNAR: And the importance?

- EAF (Part 3) - Question 18 -

1 CHAIRMAN SOUTHERN: Very.

2 BOARD MEMBER KASPER: Very.

3 ATTORNEY MOLNAR: That concludes our full review  
4 of Parts 2 and 3, subject to completing the transcript, and  
5 circulating it, so we can summarize it in writing.

6 CHAIRMAN SOUTHERN: Didn't you want us to get  
7 through this?

8 (Off the Record discussion.)

9 ATTORNEY MOLNAR: Do you want to do another  
10 meeting to advance this or unless you want to put it on  
11 another agenda?

12 CHAIRMAN SOUTHERN: What do we need to do to  
13 advance it?

14 ATTORNEY MOLNAR: I need the transcript that we  
15 can summarize. I can create the box categories using the  
16 DEC method, and put it all together, to be attached to a  
17 proposed resolution. And I can circulate that as well.

18 CHAIRMAN SOUTHERN: Do you think there would be a  
19 lot of discussion? We are certainly not going to argue any  
20 points with the Applicant.

21 ATTORNEY MOLNAR: I am sure the Board would like  
22 to vet the resolution to make sure it's what we discussed,  
23 what you would like as a determination?

24 CHAIRMAN SOUTHERN: I am just wondering, do you  
25 think what the next meeting looks like? We have no idea,

- Adjourn for Summary -

1 do we?

2 BOARD MEMBER WINKELMAN: Next meeting is on  
3 February 19th.

4 (Off the Record discussion on scheduling.)

5 ATTORNEY MOLNAR: Working group for the Applicant  
6 would need to be present because we are reviewing the final  
7 resolution. As mentioned, it summarizes all what we have  
8 done tonight and the proposed significance, determination.

9 MR. BRODSKY: It would be a written document,  
10 you're going to prepare in advance.

11 ATTORNEY MOLNAR: Yes. I can circulate it to  
12 you, John.

13 ATTORNEY LANGEY: Okay.

14 MR. CAMP: Doesn't feel like to me, it would be a  
15 long session.

16 ATTORNEY MOLNAR: No, it won't. It will be a  
17 final determination.

18 CHAIRMAN SOUTHERN: We will make our  
19 determination at that time.

20 ATTORNEY MOLNAR: Yes.

21 BOARD MEMBER WINKELMAN: Do you think we will do  
22 it on the 19th?

23 CHAIRMAN SOUTHERN: Let's look at the 26th for a  
24 special meeting.

25 BOARD MEMBER HAMLIN: I will be out of town.

- Adjourn for Summary -

1 BOARD MEMBER WINKELMAN: Let's do it on the 19th,  
2 with the rest of the stuff.

3 BOARD MEMBER MARSHALL: That's good.

4 CHAIRMAN SOUTHERN: On the agenda for the 19th,  
5 we will make our decision.

6 ATTORNEY MOLNAR: Okay.

7 CHAIRMAN SOUTHERN: On for the 19th, regular  
8 meeting.

9 MS. D. BERGEN: Will the transcript be ready for  
10 public viewing?

11 CHAIRMAN SOUTHERN: Okay. If nothing else,  
12 motion for adjournment?

13 BOARD MEMBER WINKELMAN: Make a motion that we  
14 adjourn the meeting.

15 BOARD MEMBER HAMLIN: Second.

16 CHAIRMAN SOUTHERN: Moved and second to adjourn  
17 the meeting. All in favor say aye? All opposed say no?  
18 (Adjourned Meeting at 9:48 p.m.)

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- Adjourn for Summary -

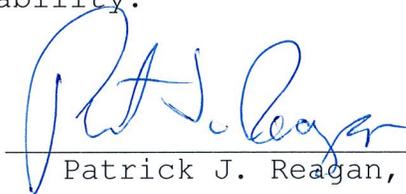
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C E R T I F I C A T E

STATE OF NEW YORK:  
COUNTY OF ONONDAGA:

I, PATRICK J. REAGAN, a Certified Shorthand Reporter in and for the State of New York, do hereby certify that the foregoing transcript of the Public Hearing, County of Onondaga, recorded at the time and place first above-mentioned, is true and accurate to the best of my knowledge, skill and ability.

Date: 1/26/19

  
\_\_\_\_\_  
Patrick J. Reagan, CSR

16 Dunlap Ave.  
Marcellus, NY 13108

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