

**TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
February 19, 2019**

Joseph Southern
Donald Kasper
Scott Winkelman
Douglas Hamlin
Jill Marshall-absent
Scott Molnar, Legal Counsel
Emma Aversa, P.E. (C&S Engineers)
Howard Brodsky, Town Planner
Karen Barkdull, Clerk

Chairman Southern opened the meeting at 6:30 p.m. The meeting minutes of January 15, 2019 were previously distributed to the Board and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Hamlin to approve the minutes as submitted. The Board having been polled resulted in the affirmance of said motion.

RECORD OF VOTE

| | | | |
|--------|-----------------|---------|-------|
| Chair | Joseph Southern | Present | [Yes] |
| Member | Donald Kasper | Present | [Yes] |
| Member | Scott Winkelman | Present | [Yes] |
| Member | Douglas Hamlin | Present | [Yes] |
| Member | Jill Marshall | Absent | |

The meeting minutes of January 22, 2019 were previously distributed to the Board and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Hamlin to approve the minutes as submitted. The Board having been polled resulted in the affirmance of said motion.

RECORD OF VOTE

| | | | |
|--------|-----------------|---------|-------|
| Chair | Joseph Southern | Present | [Yes] |
| Member | Donald Kasper | Present | [Yes] |
| Member | Scott Winkelman | Present | [Yes] |
| Member | Douglas Hamlin | Present | [Yes] |
| Member | Jill Marshall | Absent | |

Escrow Request

Applicant: Emerald Estates Properties, LP
Skaneateles, New York

Property:
2894 East Lake Rd
Skaneateles, New York
Tax Map #036.-01-37.1

Present: Robert Eggleston, Architect;

There is an outstanding invoice for engineering services rendered that will require additional funds from the applicant to process, in addition to the requested escrow from January 15, 2019. No additional review of the project will occur after tonight until the requested escrow in the total escrow amount of \$4645.00 is submitted.

Public Hearing- Special Permit/Site Plan Review

Applicant: Timothy Kelley
114 Winkworth Parkway
Syracuse, NY 13215

Property: 1429 Thornton Hts Road
Skaneateles, New York
Tax parcel: 057.-01-27.0

Present: Timothy & Pat Kelley, Applicant; Robert Eggleston, Architect;

The application is for the alteration of the grade within 50 feet of the lake and to rebuild the boathouse, deck and stairs, in addition to repair of the seawall. The seawall will be repaired with steel piles placed in front of the existing seawall. There are two trees on the steep slopes that will be cut down leaving the roots and a foot high stump. One tree has a trunk diameter of 8 inches and the other is approximately 12 inches. All work will be done by barge so as not to disturb the land.

WHEREAS, a motion was made by Member Hamlin and seconded by Chairman Southern the Planning declared this application a Type II action pursuant to 6 NYCRR617.5(c)(12) not subject to further SEQRA review. The Board having been polled resulted in the affirmation of said motion.

At this time, Chairman Southern opened the Public Hearing and asked if there was anyone in favor of the proposal. Chairman Southern asked if there was anyone who wished to speak in opposition or had any other comments on the project. No one spoke in opposition or had other comments.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Winkelman to close the public hearing. The Board having been polled resulted in the unanimous affirmation of said motion.

Member Winkelman inquired if the trees could remain. Mr. Eggleston commented that the arborist stated that the trees are in decline and would be for the next 5-10 years. They have opted to remove them now since the barge and cranes will be on the property for the shoreline structures work. Member Kasper commented that the trees are not healthy and he noticed that one was covered in poison ivy at the recent site visit.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Scott Winkelman and seconded by Member Donald Kasper, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor special permit/site plan, with standard conditions and the following additional conditions:

1. That the Special Permit/Site Plan Approval shall expire if the Applicant fails to comply with the conditions stated within 18 months of its issuance or if its time limit expires without renewal; and
2. The Site Plan 2 of 3 dated January 31, 2019, Site Plan 1 of 3, and 3 of 3 dated December 31, 2018, and Narrative dated December 31, 2018 prepared by Robert O. Eggleston, Licensed Architect, be strictly followed; and

3. That the Applicant shall obtain all necessary permits and approvals from NYSDEC and any agency or authority having jurisdiction over the Property or the Application.

RECORD OF VOTE

| | | | |
|------------|-----------------|---------|-------|
| Chair | Joseph Southern | Present | [Yes] |
| Vice Chair | Donald Kasper | Present | [Yes] |
| Member | Scott Winkelman | Present | [Yes] |
| Member | Douglas Hamlin | Present | [Yes] |
| Member | Jill Marshall | Absent | |

Public Hearing Continuance-Special Permit/Site Plan Review

Applicant: Eileen Murphy
3259 East Lake Rd
Skaneateles, NY
Tax Map #040.-01-03.0

Present: Joanne Gagliano, Joe Falco, EDR

Submitted was an updated site plan dated February 6, 2019. The revised site plans reflects the removal of the tennis court and the placement of the proposed dwelling, meeting all zoning guidelines. The shared driveway between the properties to the south would have a grass strip down the center. Impermeable surface coverage will be reduced from 25% to 11.9%, and open space will be increased from 73.2% to 86.8%. The proposed septic system has been approved by OCDOH.

There was discussion concerning the need for a turnout on the driveway due to the length of the driveway to comply with the international fire code. The applicant's representative will verify the turnaround space can accommodate a fire truck and will update the site plan to include a turnout area. The impermeable surface coverage will increase due to the inclusion of the turnaround.

At this time, Chairman Southern re-opened the Public Hearing and asked if there was anyone in favor of the proposal. Mr. Eggleston commented that the fire access turnout dimensions are 20 feet by 100 feet. He commended the design team for the reduction in impermeable surface coverage and for accomplishing the consideration of a shared driveway between the two neighbors. Chairman Southern asked if there was anyone who wished to speak in opposition or had any other comments on the project. No one spoke in opposition or had other comments. Ms. Avdersa requested that the seawall detail be provided to John Camp.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Winkelman to close the public hearing. The Board having been polled resulted in the unanimous affirmation of said motion. The application will continue next month.

Public Hearing Continuance- Special Permit

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| Applicant: John Swygert 104 Airline Lane Hummelstown, PA 17036 | Property: 3101 East Lake Road Skaneateles, New York Tax parcel: 039.-01-01.0 |
|--|--|

Present: Robert Eggleston, Architect;

Mr. Eggleston stated that at the time of the Planning Board site visit, the board requested that the proposed dock and boathouse be placed on the site plan just for reference in relationship to the proposed shoreline medications that are under the town jurisdiction. There were comments from neighbors and the site plan has been modified as the revised boathouse and dock drawings affected the shoreline structures. The revised plan dated February 8, 2019 reflects the smaller deck on land instead of the prior proposed patio. The seawall is located out of the lake to allow movement of the marine life. The retaining wall is located beyond the mean high water mark and would be made of multi-layer limestone block stepped back. The dock and boat slip has been relocated to end at 80 feet into the lake, and the dock will be at flood level. The deck and small walkway will connect to the shore. There will be steps that descend to the beach that will be formed since the retaining wall is pushed back. The boathouse is a single enclosed boat structures with an open boat slip with canopy on it. They need to be out 80 feet into the lake so there would be no need to dredge the lake, so the dock and boat slip are located 80 feet at the maximum point. A bio-swale will be placed near the shoreline to treat stormwater and there will be plantings to screen the northeast corner of the lot facing the marina.

Chairman Southern re-opened the public hearing clarifying that comments should be limited to the portion of the proposal that the town has jurisdiction to review, and inquired if there was anyone wishing to make a comment in support, against or other comment regarding the application. Linda Cohen, 1910 West Lake Rd, stated that the limestone retaining wall will prevent wave action on the applicant's property but will increase erosion on hers and other neighboring properties. She continued saying that it would cause sediment disturbance and nutrient loading into the lake.

Mary Menapace stated that when a tree is cut, the board should request that a new tree be planted, as there is a crisis with the lake every time HABs bloom. Docks in the lake slow the water and the proposed dock will do the same. She was the head coordinator of the volunteers for monitoring HABs on the lake last summer and the HABs were by the County Club docks this summer. She continued saying there should be a 50 foot riparian buffer required on the lake lots. The proposed hardscaped would send the wave action sideways.

John Menapace stated that the views from the lake are being blocked by the boathouses that are being constructed on the lake. There needs to be teeth on development of the lake as there could be a circus on the lake of all of the boathouses being built at the end of docks on the lake.

Holly Gregg stated that he endorsed what was stated earlier and that the board is shifting the responsibility to OGS to deal with structures beyond the mean high water mark. He inquired whom and when was the high water mark established, and if it has changed. He continued asking whether a change in the mean high water mark affect the power the board would have over the application.

Bob Leigel inquired where the authority is that says the board does not have jurisdiction over the lake. Counsel Molnar explained the case law that was concluded in 2014 with the appellate division that reviewed both, where the state retains jurisdiction of what is allowed to be constructed in navigable waters and the land underneath. The state of New York, absent of a delegation under the navigation law, retains jurisdiction over all of its property which lies below navigable waters; it is unrestricted including docks, boathouses, etc. The court went on to delineate that there is a mechanism for the municipality to have jurisdiction up to 1500 feet into the lake, as stated in the navigation law, when the municipalities that border the waterbody come together to form and adopt regulations that would be approvable by the state. The Town of Skaneateles in partnership with the surrounding municipalities has not done that. Mr. Leigel stated that the town does not have to as the federal district court determined that Skaneateles Lake is not a navigable body of water so that town would still have jurisdiction. He continued saying that the town has

jurisdiction to the land and anything attached to it that extends out into the lake. The City of Syracuse Department of Water had no objections to the proposal. A precedent was made concerning the case law regarding a boating accident and the town has jurisdiction. The town would have liability if there were an accident because a boat had to go around a boathouse. He also inquired why this application was not a type I but was classified as a type II action, as there will be a visual impact with the boathouse. The application should have been considered a type I action to give citizens a chance to comment.

Chairman Southern stated that the concern with off shore work has been expressed by some local residents and the board does not have jurisdiction. The board may not agree with the law and what is happening. In the past the board was able to regulate docks to a maximum of 75 feet into the lake until a local resident forced a decision on whether we had jurisdiction beyond the mean high water mark. There was an initiative to the surround towns to adopt the same legislation of zoning on the lake and then petition the State to allow the towns to have jurisdiction up to 1500 feet into the lake; however, the Village of Skaneateles and other towns around the lake that did not support the legislation.

Connie Brace stated that all structures are subject to code review including the boathouses and as such she did not feel the town would take a position to approve a building that they cannot regulate. The town should not do any code review on a structure that is not in their jurisdiction. She suggested that the town obtain interpretation along these lines on behalf of the taxpayers.

Dessa Bergen stated that the State OGS has a public meeting, and the board could submit a letter with their concerns. Chairman Southern commented that the Town Board submitted a letter to OGS on behalf of the boards.

Jim Moore, 95 East Lake Road, stated that the applicant is not respecting the neighbors. The homeowner and his representative are only concerned with their personal benefit without being a good neighbor.

WHEREFORE, a motion was made by Member Kasper and seconded by Member Hamlin to close the public hearing. The Board having been polled resulted in the unanimous affirmation of said motion.

Member Winkelman inquired if the seawall runs along the entire length of the property. Mr. Eggleston stated that the proposed wall is a retaining wall as it is beyond the mean high water mark and not at the lake line. Member Winkelman inquired if the stone will accumulate in front of the retaining wall. Mr. Eggleston stated that the DEC likes to have small rocks placed in front of walls, and it is proposed as part of this plan as shown on the section plan. Member Winkelman inquired about the pilings for the dock. Mr. Eggleston stated that the dock would be constructed on steel pilings, the preferred method with the DEC. Member Kasper inquired what the applicant would do if OGS does not grant approval for the boathouse. Mr. Eggleston stated that they have certain riparian rights or they could put up temporary docks.

Member Kasper suggested that the board allow time for the engineer to review the seawall plans and continue the application next month. Chairman Southern requested that the proposal for structures not under the jurisdiction of the town be removed from the site plan and resubmitted to the town. The application will continue next month.

Extension Request-Minor Subdivision

Applicant: Eric Smith
7389 Featherstone Blvd
Sarasota, FL 34238

Property:
2795 County Line Road
Skaneateles, NY 13152

Tax Map #051.-01-13.2

Present: Terri Roney, Attorney

The 4 lot subdivision was approved in 2008 and was never filed; in 2016 it was approved and the health department wanted septic designs which delayed the approval process for a year and a half before the maps were eventually signed by the Planning Board Chair in 2017. There was a potential buyer who wanted to purchase all of the property without subdivision and then changed their minds causing the need to request for an extension today. Once re-approved by this board, the intention is to file the maps as soon as possible. There was prior extensive review of the stormwater plans at the prior approval. The stormwater system will be installed prior to development of the lots.

WHEREAS, a motion was made by Chairman Southern and seconded by Member Hamlin, the Planning Board conducted a SEQRA review of the proposed Subdivision on May 27, 2008 after review of the Full Environmental Assessment Form submitted by the Applicant, resulting in a negative declaration at that time, which prior determination was ratified and adopted by the Planning Board in consideration of this Application. The Board having been polled resulted in the unanimous affirmation of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made Chairman Joseph Southern and seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the Minor Subdivision, with the following conditions:

1. That the names and addresses of owner of record be shown on the map; and
2. That the final water quality management facility design be reviewed and approved by the Town Engineer and Chairman; and
3. That a construction sequence be submitted for review and approval of the Town Engineer and Chairman; and
4. That the Codes Enforcement Officer be supplied with a 24-hour contact person before the project begins; and

The Applicant may begin construction of the water quality facility when the above conditions 1 through 4 have been met.

5. That an as-built survey for the water quality facility be submitted to the Codes Enforcement Officer within sixty days of completion of the facility and prior to the sale of any lots; and
- 6 That one Mylar and five copies of the final subdivision map in substantial compliance with the preliminary map dated January 23, 2009, prepared by Paul

Olszewski, Licensed Surveyor, be redated and submitted to the Planning Board within 180 days from the signing of the resolution; and

7. The final plat must be filed in the Onondaga County Clerk’s Office within sixty-two (62) days of signing of the plat by the Planning Board Chairman or the subdivision approval shall be null and void. Proof of said filing shall be submitted to the Planning Board.

RECORD OF VOTE

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|--------|-----------------|---------|-------|
| Chair | Joseph Southern | Present | [Yes] |
| Member | Donald Kasper | Present | [Yes] |
| Member | Scott Winkelman | Present | [Yes] |
| Member | Douglas Hamlin | Present | [Yes] |
| Member | Jill Marshall | Absent | |

Sketch Plan –Site Plan Review

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| Applicants | Paul & Kathy Leone PO Box 228 Palm Beach, FL 33480 | Properties: 2559 East Lake Road Skaneateles, NY 13152 Tax Map #037.-01-28.1 | 2579 East Lake Rd Skaneateles, NY TM#037.-01-27.1 |
|------------|--|---|--|

Present: JoAnne Gagliano, Emily Garavuso, EDR

The proposal is for the re-design of the existing driveways so that the driveway on the southerly parcel will be extended across the front of the house and connects with the driveway on the northerly parcel, and then connect to the internal road that is part of the Colony. Impermeable surface coverage for lot 2559 will be 9.5% and for lot 2579 will be 7.9% with a grass strip through most of the driveway. Both parcels are under single ownership. The interconnected driveways will improve safety by providing a safe turn around that will not require backing up onto East Lake Road. If the properties were sold separately, then an easement agreement would be created. There will be some stormwater management that will be added to address drainage. There is also a planting buffer that runs along the shoreline cliff. The application will be continued until next month.

Sketch Plan-Special Permit

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| Applicant: | Mandana Barn Heather Carroll 1274 Lacy Rd Skaneateles, NY Tax Map #061.-01-04.0 |
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Present: Tim & Heather Carroll, Owners

The applicant is requesting a special permit to continue the use of the event center. They host 4 to 10 events a year seasonally. There are no proposed improvements to the property. Music cutoff on weekends is 10 pm and 9 pm for weekdays. All catering and restroom facilities are brought onto the premises. One acre parking is provided across Lacy Road that is coordinated by a handshake agreement with Mr.

Greenfield. When there are events, cones are placed and the applicant is available to guide people across the road to the event. At the end of the night there is a spot light to provide visibility as well as guests using their flashlight on their phones. The speed limit on Lacy Road is 55 mph as it is a State road. The tent area is used for gatherings for 100 or more. The band is typically located in the barn and when needed, the music can be piped into a tent.

Mr. Brodsky commented that better documentation is needed for the application as the site plan showing the parking is a photograph. As example, the parking area is not delineated to show how many parking spaces are proposed and whether it meets code. Mrs. Carroll commented that the code requires one parking space for each 1.5 people, and the parking lot is 1 acre that can accommodate 250 cars. Bus shuttles are being used by the guests, so there are rarely 80-90 cars in the lot. Mr. Brodsky suggested that a measured site plan showing the tent area and parking layout is needed, along with a note on the parking agreement.

WHEREFORE, a motion was made by Member Winkelman and seconded by Member Hamlin to schedule a public hearing on *Tuesday, March 19, 2019 at 6:30 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Sketch Plan-2 lot Subdivision

Applicant: Gregory & Amanda Steencken
3943 Highland Ave
Skaneateles, NY
Tax Map #044.-02-05.0

Present: Amanda Steencken, Applicant

The applicant proposed a two lot subdivision with lot 1 that includes the barn at 2.76 acres, and lot 2 including the dwelling at 2.01 acres. Both structures have existing separate septic systems and town water supply. The plat plan will need to be revised so that the two acres is being measured from the road right of way rather than the road centerline. Setbacks to the proposed property lines should be shown as well as lot coverage calculations for both of the lots. The septic system for the barn is marked proposed, and the word proposed should be removed. The existing use of the barn is for a craft workshop.

WHEREFORE, a motion was made by Member Winkelman and seconded by Member Hamlin to schedule a public hearing on *Tuesday, March 19, 2019 at 6:40 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

Continued Review

Applicant: Tim Green/owner Loveless Farm Development Property: 2783 West Lake Rd
1194 Greenfield Lane West side 051.-02-18.1
Skaneateles, New York 13152

Present: Julian Clark, P.E., Plumley Engineering

Submitted was an updated plat plan that reflects four residential lots on the west side of the road, with an additional lot that will be the open space lot with the two building envelopes with existing barns. The conservation analysis was submitted last month. The driveway was modified to 24 feet in width at the entry and reduced to 20 feet in width as it progresses into the subdivision and will comply with providing

access for fire suppression equipment. Use of the barns would need to be code compliant. Once the final plat plan is approved the board has 62 days to approve the subdivision with conditions.

Counsel Molnar recommended that the thirteen conditions that were on the preliminary approval be reviewed and conferred upon to determine if the thirteen conditions have been fulfilled. If not then additional conditions and a proposed final resolution could be prepared. The conservation easement and driveway agreement can be reviewed and included as part of the final resolution and prepared for next month's Planning Board meeting. The application will continue at the next meeting on March 19, 2019.

Sketch Plan-Special Permit/Site Plan Review

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| Applicant: | Mark Heffernan | Property: | 1646 Amerman Rd |
| | 108 Longbranch Circle | | Skaneateles, New York |
| | Liverpool, NY 13090 | | Tax parcel:062.-01-36.1 |

Present: Mark Heffernan, Applicant; Robert Eggleston, Architect;

The 168,216 square foot vacant lot is located partially in the town of Niles and partially in the town of Skaneateles. For zoning review purposes, the land only within the town of Skaneateles (130,852SF) is being used for review. There is an electric power easement for a buried cable located 150 feet from the lake line and the lot has 222 feet of shoreline. Proposed are a single family dwelling, attached garage and porches. The proposed driveway will be off the existing shared driveway and will comply with fire vehicle access with a turnout and turnaround. A dock and stair tower will be built into the lake with a 4 foot x 24 foot bridge that will connect from the lot to the stair tower.

Minimal dead tree removal is proposed and a 375 cubic foot bio swale will be installed to detain and clean water from the proposed dwelling. The location of the proposed bio swale is due to the land that is relatively flat at approximately 5% grade. The applicant wished to retain as many of the healthy trees as possible. The proposed impermeable surface coverage would be 8.8% with open space at 90.4%. The shoreline is a cliff with the top of the cliff approximately 26 feet above the mean high water line. A site visit will be conducted on February 23, 2019.

WHEREFORE, a motion was made by Member Winkelman and seconded by Chairman Southern to schedule a public hearing on ***Tuesday, March 19, 2019 at 6:50 p.m.*** The Board having been polled resulted in the unanimous affirmation of said motion.

Continued Review- Site Plan Review

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|------------|------------------|-----------|-------------------------|
| Applicant: | Michael Feehan | Property: | Benson Rd |
| | 12Reach Run | | Skaneateles, New York |
| | Ithaca, NY 14850 | | Tax parcel:051.-01-04.2 |

Present: Robert Eggleston, Architect;

The proposal is to construct a single family dwelling with attached garage, barn, in ground pool with patios, tennis court with an out building supporting the tennis court and pool and driveway. The driveway is designed to accommodate fire vehicles with a turnout and turnaround. As more than an acre will be disturbed, a SWPPP will be obtained. The septic approval is pending with the OCDOH. The proposed impermeable surface coverage would be 9.9%. There is a proposed bio swale to treat the stormwater from the driveway and dwelling. The bio swale will retain the stormwater and then it would feed into an under drain, go under the driveway, and eventually drain to the brook. There will be lawn around the driveway and around the house, retaining the natural vegetation on the rest of the property.

WHEREAS, a motion was made by Member Hamlin and seconded by Chairman Southern the Planning declared this application a Type II action pursuant to 6 NYCRR617.5(c)(12) not subject to further SEQRA review. The Board having been polled resulted in the affirmance of said motion.

NOW, THEREFORE, BE IT RESOLVED, upon a motion made by Member Donald Kasper and seconded by Member Douglas Hamlin, and after an affirmative vote of all Members present, as recorded below, the Town of Skaneateles Planning Board **APPROVES** the minor special permit/site plan, with standard conditions and the following additional conditions:

1. That the Special Permit/Site Plan Approval shall expire if the applicant fails to comply with the conditions stated within 18 months of its issuance or if its time limit expires without renewal; and
2. The Site Plan 1 of 1 dated January 25, 2019, Elevations and Floor Plans 1 of 5 through 5 of 5 dated December 28, 2018, and Narrative dated January 25, 2019 prepared by Robert O. Eggleston, Licensed Architect, in addition to Drainage and Erosion Control Plans C-1 through C-3 dated January 25, 2019 prepared by RZ Engineering, PLLC be strictly followed; and
3. That the Applicant shall obtain all necessary permits and approvals from NYSDEC, OCDOH and any agency or authority having jurisdiction over the Property or the Application.

RECORD OF VOTE

| | | | |
|--------|-----------------|---------|-------|
| Chair | Joseph Southern | Present | [Yes] |
| Member | Donald Kasper | Present | [Yes] |
| Member | Scott Winkelman | Present | [Yes] |
| Member | Douglas Hamlin | Present | [Yes] |
| Member | Jill Marshall | Absent | |

Attorney Advice Session

WHEREFORE a motion was made by Chairman Southern and seconded by Member Winkelman to enter an attorney advice session. The Board having been polled resulted in favor of said motion.

WHEREFORE a motion was made by Chairman Southern and seconded by Member Winkelman to return from attorney advice session. The Board having been polled resulted in favor of said motion.

The Board returned at 8:50 pm.

Continued Review – 9 Lot Subdivision

Applicant: Emerald Estates Properties, LP
Skaneateles, New York

Property:
2894 East Lake Rd
Skaneateles, New York
Tax Map #036.-01-37.1

Present: Robert Eggleston, Architect;

Counsel Molnar stated that he had reviewed the transcript from January 22, 2019 Planning Board meeting to summarize the comments of the board as they were deliberating on the record for the SEQR determination for the Hidden Estates Subdivision. A draft resolution was prepared and circulated to the board, the applicant, and his representatives. The transcript will be attached as exhibit A so that it will become part of the SEQR resolution. The questions that were determined to be moderate to large impact have been included in the resolution. There was a discrepancy of question 17h. As there were only two of the three questions that were determined to be moderate to large impact. They were precedent setting development on a steep or difficult site and precedent setting shared lakefront access encouraging other actions. Reply comments from the applicant were received today at 3 p.m., with suggestions that there were different conclusions that should have been reached and suggestions that the impacts were not moderate to large. Counsel Molnar recommended that the applicant's comments be accepted; however, the transcript from the proceeding of January 22, 2019 is the most important element of how the board came into its decision after thoroughly deliberating after each of the questions and making comments on the record. The summary of those comments is the most accurate reflection of the board's decision. He recommended against altering it without going back into deliberation. The applicant's comments can be held as part of the record for potential review if the application will require a DEIS. Counsel Molnar read the following resolution.

PLEASE TAKE NOTICE that the following Resolution was proposed and duly adopted at the February 19, 2019 Town of Skaneateles Planning Board ("Planning Board" or "Board") Meeting;

WHEREAS, application was made by **Donald G. Spear and Emerald Estates Properties, L.P.**, (collectively "Applicant") for property located at **2894 East Lake Road** in the Town of Skaneateles, to re-subdivide an 80.9 acre parcel into a conservation subdivision of 9 lots with an average of 8.78 acres per lot, served by a re-developed private driveway to a conservation subdivision private road to accommodate a total of 12 residential lots, located in the Rural and Farming and Lake Watershed Overlay District ("Premises", "Property" or "Project"), as set forth on a **Revised Sketch Plan, dated May 4, 2018** prepared by **Robert O. Eggleston, Architect**, ("Sketch Plan") and as set forth on the **Hidden Estates Subdivision Overall and ESC Plan, Demo Plan, Road Layout, Grading and Profile, and Details last dated August 8, 2018** and prepared by **RZ Engineering, PLLC** ("Road Plan") together with other materials submitted by the Applicant, as more fully set forth herein (the "Application"); and

WHEREAS, the Application has been reviewed by the Planning Board between December 16, 2014 and January 22, 2019 as a Major Subdivision pursuant to §131-3(c), a Conservation Density Subdivision pursuant to §131-6, and an Open Space Subdivision pursuant to §148-9(C) of the Town of Skaneateles Town Code, and

WHEREAS, pursuant to and in accordance with the **New York State Environmental Quality Review Act**, 6 NYCRR 617 *et seq.* ("SEQR"), at a special meeting called for this purpose held on February 20, 2018, the Planning Board declared its willingness to act as lead agency for coordinated review of the Application, thereafter provided notice of lead agency status on March 20, 2018 to all interested agencies having jurisdiction of one or more aspects of the Application, advising all that the

Application was classified as an Unlisted Action, subject to coordinated review under SEQR due to the size of the Project relative to the size of the community, and other factors; and

WHEREAS, pursuant to and in accordance with SEQR, on May 24, 2018, the Planning Board re-circulated Application materials to potentially interested agencies having jurisdiction over the Project after receiving the Sketch Plan, a Narrative from the Applicant regarding Road Impacts dated May 10, 2018, and a currently dated Road Plan, reflecting that the intended conservation road design is intended to be Code compliant at eighteen (18) feet in width and not exceeding twelve percent (12%) in grade; and

WHEREAS, pursuant to and in accordance with SEQR, the Applicant submitted its Full Environmental Assessment Form, updated as of July 5, 2018 after making corrections to Part 1 of the FEAF (“FEAF”) for consideration by the Planning Board as lead agency, and after making changes to the Project which are set forth on the Sketch Plan and Road Plan, advising the Board that both represent the Applicant’s preferred configuration of said subdivision; and

WHEREAS, pursuant to and in accordance with SEQR, the Planning Board reviewed the FEAF, Sketch Plan and Road Plan, and held special meetings on May 29, 2018, November 8, 2018, and January 22, 2019, at which time the Planning Board reviewed Part 1 of the FEAF for accuracy to the Road Plan and other aspects of the Application, and further completed Part 2 by answering every question presented in the FEAF, determining where the environmental impact of the Project has been identified as potentially moderate to large, including the reasons and rationale in support of said determination of significance, all as more fully set forth on the record at a Special Meeting of the Planning Board held January 22, 2019 at 6:30 p.m., a transcript of which is attached hereto and incorporated herein as Exhibit A, at which time the Planning Board discussed Part 2 of the FEAF in detail, following the format recommended by the New York State Department of Environmental Conservation (“DEC”) under DEC website publication *Part 2 – Identification of Potential Project Impacts (FEAF) Full Environmental Assessment Form (FEAF) Workbook*, determining the key characteristics of possible impacts by magnitude, duration, likelihood and importance; and

WHEREAS, while undertaking the foregoing, the Planning Board reflected on Project materials pertinent to its review under SEQR, including, but not limited to the following:

- Planning Board Resolutions dated February 21, 2012, as amended September 18, 2012 and October 16, 2012, creating the Hidden Estates Subdivision, Lots 1, 2 and 3; and the Planning Board files related thereto;
- The Conservation Analysis prepared by Appel Osborne Landscape Architects dated January 9, 2015, and last amended April 29, 2015.
- The Order to Remedy Violation issued by the Code Enforcement Officer of the Town of Skaneateles dated August 24, 2015.
- The Order to Remedy Supplemental Notice issued by the Town of Skaneateles Code Enforcement Office dated October 27, 2015.
- The SOCPA Resolution dated February 7, 2018.
- The Sketch Plan dated May 4, 2018.
- The Conservation Subdivision Narrative dated May 10, 2018.
- Planning Board Special Meeting Minutes of May 29, 2018 regarding review of SEQR Parts 1 and 2, workshop format.
- C&S Engineers, P.C. engineering memo with comments to the Planning Board of May 29, 2018.
- The Road Plan dated August 10, 2018.
- Correspondence from Fire Chief Daniel S. Evans dated April 8, 2018.
- Correspondence from Fire Chief Daniel S. Evans dated September 24, 2018.

- Draft Deed of Conservation Subdivision Easement and Drat Common Driveway Easement, submitted and circulated between the Applicant and Planning Board on October 14, 2018.
- Various email correspondence, memoranda and letters from counsel to neighbors and/or interested parties received by the Planning Board between May 10, 2018 and January 22, 2019.
- The Site Examination Report prepared by Earthwork Plus, dated October 21, 2018.
- Transcript of Planning Board Public Information meeting dated November 8, 2018, with comments submitted by interested parties electronically and in hard copy.
- Report prepared by Costello, Cooney & Fearon dated November 27, 2018, addressing comments elicited at the Public Information Meeting of November 8, together with attachments.
- RZ Engineering PLLC report with reply engineering comments dated June 22, 2018.
- C&S Engineers, P.C. memos to Planning Board regarding engineering comments, dated January 7, 2019 and January 18, 2019.
- Geologic NY, P.C. memo regarding ground water availability dated January 18, 2019.
- RZ Engineering PLLC reply engineering comments dated January 21, 2019; and

WHEREAS, in addition to the foregoing, the Planning Board has made site visits to the Property, has reviewed and considered all of the material contained in the Board's file, has heard and considered submissions made on behalf of the Applicant, has heard and considered submissions by the public and other interested parties, has considered the Onondaga County Planning Board Resolutions, and obtained engineering consultation.

NOW, THEREFORE, upon a motion made by Chairman Joseph Southern , seconded by Member Douglas Hamlin , and upon the affirmative vote of all Members present, as set forth in the Record of Vote referenced below, the Skaneateles Planning Board adopts the (A) Findings and Statement of Significance; and (B) Declaration of Significance, authorizing completion of Exhibit B attached hereto, being the FEAF Part 3 form, Form 2019, promulgated by the DEC for this purpose, as follows:

A. Findings and Statement of Significance:

As more particularly described in Exhibit A attached hereto, which reflects the discussion and dialogue rendered by the Planning Board when deliberating on potential environmental impacts of the Project and providing the rationale in support of its Statement of Significance for all questions answered in FEAF Part 2 where the impact has been identified as potentially moderate to large, the Planning Board has determined the magnitude, duration likelihood and importance of each relevant Part 2 question answered “Moderate to Large Impact May Occur”, a summary of which is as follows using the format suggested by DEC:

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|---|----------------------------|-------------------------------------|-----------------------------|-----------------------------|
| 1b. The proposed action may involve construction on slopes of 15% or greater. | Moderate to large Impact | Irreversible, duration is permanent | Probably will occur | Very important |
| <p>Rationale: Construction of the new roadway is upon varying percentage of slopes, greater than 15%, any work to institute construction of the road will also involve working on slopes greater than 15%, for an extensive part of the steep slope identified in the Conservation Analysis as land of high conservation value. Project includes extensive excavation on steep slopes where cut and fill will leave slopes greater than they exist now, with removal of large areas of vegetation on steep slopes</p> | | | | |

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|---|----------------------------|---|-----------------------------|--|
| If. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from the treatment by herbicides). | Large Impact | Long term – avoided by appropriate storm water measures | Possibly will occur | Very important – in the lake watershed |

Rationale:

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

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|--|----------------------------|--|-----------------------------|-----------------------------|
| 1h. Other impacts: Magnitude of project in proximity to the lake. | Moderate to large. | Medium term – there is always going to be runoff | Possibly will occur | Very important |

Rationale:

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|---|----------------------------|---------------------------------------|-----------------------------|---------------------------------------|
| 3e. Proposed action may create turbidity in a water body, either from upland erosion, runoff or disturbing bottom sediments. | Moderate to large impact. | Long Term as a result of heavy storms | Possible to occur | Fairly important – without mitigation |

Rationale:

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|----------------------|----------------------------|---------------------------|-----------------------------|-----------------------------|
|----------------------|----------------------------|---------------------------|-----------------------------|-----------------------------|

| | | | | |
|---|---------------|---------------------------------------|-------------------|---------------------------------------|
| 3h. Proposed action may cause soil erosion, or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies. | Large impact. | Long Term as a result of heavy storms | Possible to occur | Fairly important – without mitigation |
|---|---------------|---------------------------------------|-------------------|---------------------------------------|

Rationale:

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

| FEOF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|--|----------------------------|---------------------------------------|-----------------------------|-----------------------------|
| 3i. The proposed action may affect water quality of water bodies within or downstream of the site of the proposed action. | Moderate to large impact. | Long Term as a result of heavy storms | Possible to occur | Very important |

Rationale:

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

| FEOF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|--|----------------------------|---------------------------|-----------------------------|-----------------------------|
| 9c. The proposed action may be visible from publicly accessible vantage points: (i) seasonally. | Moderate to large. | Long Term | Probably will occur | Fairly important |

Rationale:

Because in the winter there is no vegetation and 11 potential homes will have limited landscaping, to preserve everyone's view.

| FEOF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|---|----------------------------|---------------------------|-----------------------------|-----------------------------|
| 9c. The proposed action may be visible from publicly accessible vantage points: (ii) year-round. | Moderate to large impact. | Long Term | Probably will occur | Fairly important |

Rationale:

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|--|----------------------------|---------------------------|-----------------------------|-----------------------------|
| 9d. The situation or activity in which viewers are engaged while viewing the proposed action is: (ii) recreational or tourism based activities. | Large impact. | Long Term | Probably will occur | Fairly important |

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|---|----------------------------|---------------------------|-----------------------------|-----------------------------|
| 17. Consistency with community plans, h. Other: i: precedent setting development on a steep or difficult site. | Moderate to large impact. | Long Term | Possibly to occur | Fairly important |

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|--|----------------------------|---------------------------|-----------------------------|-----------------------------|
| 17. Consistency with community plans, h. Other: ii: precedent setting: shared lakefront access encouraging other actions. | Moderate to large impact. | Long Term | Possibly will occur | Very important |

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact |
|--|----------------------------|---------------------------|-----------------------------|-----------------------------|
| 18. Consistency with community character, F. Proposed action is inconsistent with the character of the exiting natural landscape. | Moderate to large impact. | Long Term | Probably will occur | Very important |

Rationale:

Construction of the Project Road is inconsistent with the character of the existing natural landscape.

B. Declaration of Significance:

Based upon the foregoing Findings and Statement of Significance, hereby adopted and ratified, the Planning Board as lead agency under SEQR finds that Project may result in one or more significant adverse impacts on the environment, which cannot be avoided or adequately mitigated by the Planning Board by imposition of one or more conditions within its jurisdictional control absent the submission of additional relevant information by the Applicant. Accordingly, the Planning Board concludes that the Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared by the Applicant to further assess the impact(s) and possible mitigation, and to explore alternatives to avoid or reduce those impact(s) as required by SEQR; and the Planning Board hereby authorizes the Planning Board Chairman to accordingly answer and sign Exhibit B attached hereto, being the FEAF Part 3 promulgated by the DEC.

RECORD OF VOTE

| | | | Yes | No |
|------------|-----------------|---------|------|-----|
| Chair | Joseph Southern | Present | [X] | [] |
| Vice Chair | Donald Kasper | Present | [X] | [] |
| Member | Scott Winkelman | Present | [X] | [] |
| Member | Douglas Hamlin | Present | [X] | [] |
| Member | Jill Marshall | Absent | | |

The minor typos in the resolution will be corrected and the resolution will be signed by the Chairman tonight. Based on the result of the SEQR determination the applicant will be required to submit a Draft Environmental Impact Statement that the public will be able to review and comment.

WHEREFORE, a motion was made by Member Hamlin and seconded by Member Kasper to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 9:23 p.m. as there being no further business.

Respectfully Submitted,
Karen Barkdull, Clerk