

**TOWN OF SKANEATELES PLANNING BOARD
SPECIAL MEETING MINUTES
August 28, 2018**

Joseph Southern
Donald Kasper
Scott Winkelman-absent
Douglas Hamlin
Anne Redmond-absent
Scott Molnar, Legal Counsel
Karen Barkdull, Clerk

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

FEIS- Major Subdivision

Applicant: Loveless Farm Development
1194 Greenfield Lane
Skaneateles, New York 13152

Property: 2783 West Lake Rd
West side 051.-02-18.1

Present: Jeff Davis, Attorney

Counsel Molnar recommended that for the board's consideration a findings of fact statement and resolution, applicable to the SEQR regulations and the DEC handbook, which requires the board to prepare a finding statement. The findings statement is a written document following the acceptance of a FEIS that declares that all SEQR requirements for making a decision on an action have been met. The findings statement identifies the social and economic, if applicable, as well as environmental considerations that had been weighed in making a decision to approve or dis-approve an action. A positive findings statement means that after consideration of a FEIS the project or action can be approved, and the action chosen is one that minimizes or avoids environmental impacts to the maximum extent practicable.

Under town law §276, when the lead agency requires an environmental impact statement, its decision on the FEIS must be concurrent with a decision on the preliminary plat plan if the subject of the action is a subdivision. The board reviewed a resolution that addresses both of the aspects of the findings for the FEIS determination and the decision on the preliminary plat plan.

Loveless Farm Subdivision
Tax Map #s: 051.-02-18.1

**RESOLUTION OF THE TOWN OF SKANEATELES PLANNING BOARD;
SEQR FINDINGS AND DETERMINATION**

Action Date: August 28, 2018

PLEASE TAKE NOTICE that the following Resolution was proposed and duly adopted at the August 28, 2018 Town of Skaneateles Planning Board ("Planning Board" or "Board") Meeting:

pbm.08.28.2018

WHEREAS, an initial application was made by **Loveless Farm Development, LLC**, of P.O. Box 866, Skaneateles, NY 13152 (“Applicant”) for property located at **2783 West Lake Road** in the Town of Skaneateles, to subdivide two parcels totaling approximately 46.55 acres into an **18** lot Open Space by cluster subdivision, located in the RF Zone and Skaneateles Lake Watershed Overlay District (“Premises”, “Property” or “Project”), as set forth on a Sketch Plan, dated May 3, 2010 prepared by **Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, P.C.** (“EDR”), (collectively the “Application”); and

WHEREAS, the Application has been reviewed by the Planning Board to date as a Major Subdivision pursuant to §131-3(C), an Open Space Subdivision pursuant to §148-9(C), and a Conservation Density Subdivision pursuant to §131-6 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 June 11, 2013, 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 June 13, 2013 to all interested agencies having jurisdiction of one or more aspects of the Application, advising all that the Application was classified as a Type I Action as a result of its location immediately adjacent to a site listed on the National Register of Historic Places under 6 NYCRR 617.4(b)(9), among other reasons, and, therefore, subject to coordinated review.

WHEREAS, pursuant to and in accordance with SEQR, the Applicant submitted its Full Environmental Assessment Form, updated as of April 3, 2014 (“FEAF”) for consideration by the Planning Board as lead agency, after making changes to the Project which reduced same to a proposed **17-lot** subdivision; and

WHEREAS, pursuant to and in accordance with SEQR, the Planning Board reviewed the FEAF and Application, held special meetings on June 1, 2015, June 8, 2015, and June 30, 2015, issued its SEQR Determination of Significance dated July 28, 2015, including findings and a Declaration of Significance concerning the magnitude, duration and likelihood of potential environmental impacts, as set forth and referred to therein (“Potential Significant Impacts”) concurrently issuing a full EAF Part III Positive Declaration, requiring an Environmental Impact Statement to be prepared to further assess the impacts, possible mitigation measures or alternatives; and

WHEREAS, pursuant to and in accordance with SEQR, the Applicant submitted its Draft Environmental Impact Statement (“DEIS”) as supplemented by the applicant in the Amended, Restated and Supplemental Draft Environmental Impact Statement (“SDEIS”) with exhibits to SDEIS, dated November 13, 2017, upon which a public hearing was held by the Planning Board on February 13, 2018, with record held open for additional comments by interested parties for a period of ten days thereafter; and

WHEREAS, on July 9, 2018 the Applicant submitted and filed a draft Final Environmental Impact Statement (“FEIS”) together with exhibits to FEIS, which included a transcript of the February 13, 2018 public hearing, and a summary of proposed responses to public hearing comments, each of which were addressed at a special meeting of the Planning Board held July 24, 2018, which resulted in the Applicant submitting a final FEIS with exhibits dated July 31, 2018, which the Planning Board determined was complete under SEQR; and

WHEREAS, as set forth in the FEIS, the Project has been altered and reduced by the Applicant, by limiting the Project to the subdivision and development of a single 30 acre parcel located on the west side of West Lake Road, bearing tax map no. 051.-02-18.1, which is proposed to contain four single family residential building lots, with associated infrastructure and storm water management facilities, served by a common driveway, and one non-residential conservation lot which will preserve existing agricultural structures, all as more fully set forth in **FEIS Exhibit Number 24**, which according to the Applicant is the final preferred Project configuration for consideration by the Board, constituting also the preliminary plat dated April 11, 2018 (“Preliminary Plat”) which the Applicant has requested be approved by the Planning Board (collectively “Final Design”); and

WHEREAS, pursuant to and in accordance with Chapter 148 of the Town of Skaneateles Code, Sections 276(d)(iii) and (iv) of the Town Law of the State of New York, and applicable SEQRR regulations, the Planning Board hereby issues its findings on the FEIS (“Findings”) and makes its decision on the Preliminary Plat.

NOW, THEREFORE, upon a motion made by Member Donald Kasper, 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 Findings; issues its decision on the Preliminary Plat; and adopts the following conditions which must be met by the Applicant prior to final subdivision plat approval, as follows:

- A. The foregoing Recitals are incorporated herein as if set forth at length.
- B. Findings: Upon further review of the Application, as modified, reduced, amended and set forth in the Preliminary Plat, the Planning Board finds that the Potential Significant Impacts have been avoided, minimized or mitigated, to the maximum extent practicable, as follows:
 1. The Project has been modified from what was an 18 lot residential subdivision on two parcels totaling approximately 46.55 acres, by adaptation of same to the proposed subdivision and development of the single 30 acre parcel located on the west side of West Lake Road, which is proposed to contain 4 single family residential building lots, with associated infrastructure and storm water management facilities, and 1 non-residential conservation lot preserving existing agricultural buildings, and management of proposed conservation value property;
 2. By adopting the Final Design set forth in the FEIS and Preliminary Plat, the Applicant has avoided, mitigated, and/or minimized the Potential Significant Impacts which were found applicable by the Planning Board to the Property located on the east side of West Lake Road (with lake frontage, a sensitive ravine, viewable from West Lake Road and Skaneateles Lake, and other distinct characteristics), which is no longer the subject of proposed development. As a result, the Applicant has convinced the Board that the Project:
 - a. Will not be visible from the Lake and have no impact on views from West Lake Road toward the Lake;
 - b. Will avoid construction on the water front, in the mature forest near the water front or near a site listed on the National Register of Historic Places;
 - c. Will be significantly removed from the Lake and occurring entirely on the west side of West Lake Road, containing only four proposed single family residential building lots with land disturbance in the reduced amount of 2.5 acres;

- d. Will avoid any disturbance on the east side of West Lake Road, including any previously proposed disturbance on steep slopes, to a perched water table, and avoid any disturbance to the ravine located in immediate proximity to the Lake;
- e. Will manage storm water by implementation of the SWPPP, and the impacts upon ground water will be substantially minimized;
- f. The reduced size, visibility, and location of the Final Design will avoid, mitigate or minimize pressure for increased development on farm land, and not disrupt or interfere with aesthetic resources located on the east side of West Lake Road, and will not interfere with or disrupt recreational opportunities and views, or tourism based activities from enjoying the Lake, as an aesthetic resource for the community; and
- g. By preserving the agricultural buildings, the proposed action is consistent with county and regional land use plans, including the Skaneateles Joint Comprehensive Plan.

C. Determination on Preliminary Plat. The Planning Board hereby renders its determination on the Preliminary Plat, approving same, conditioned (“Conditions”) upon the following:

1. That the final approved subdivision plat, when presented by the Applicant for consideration by the Planning Board, not materially deviate or alter the Final Design as configured in the Preliminary Plat, constituting four residential subdivided lots with a single conservation lot to preserve agricultural structures and manage conservation value property and/ or wetlands located upon the single parcel under consideration; and
2. The final approved subdivision plat, when presented by the Applicant, must include all required elements of a final subdivision map as required under Chapter 148 of the Town Code, including tables of dimensions for each lot, building envelope, open space calculations, dimensions concerning the proposed common drive, and as otherwise required by Chapter 148; and
3. That the Applicant’s drainage facility shall be finally designed and constructed with the approval of the Town Engineer, with dimensions fully set forth on the final subdivision map; and
4. That the Applicant shall obtain all necessary septic approvals from the Onondaga County Department of Health; and
5. That the Applicant shall preserve depicted open space as required by Section 148-9H of the Town Code, which shall be noted on the final subdivision map; and
6. That the Applicant will obtain all necessary approvals and build all required infrastructure including, but not limited to, drainage basins and drainage facilities, common driveways, and as otherwise set forth on the final subdivision map; and
7. That the Applicant will obtain all necessary approvals from any agency or authority having jurisdiction over the Property or Project; and
8. A final Conservation Analysis be submitted by the Applicant and approved by the Planning Board, pertaining exclusively to the 30 acre parcel being subdivided in the Final Design, showing clearly the conservation value of the lands being protected; and
9. Proposed restrictions on development of conservation value land, consistent with applicable sections of Chapters 131 and 148 of the Town Code, be submitted by the Applicant for review

and approval of the Planning Board, specifying permitted uses for recreational purposes, and conservation easement restrictions to be imposed; and

10. That the Applicant submit for Planning Board approval a conservation easement which memorializes the foregoing, to be recorded in the Onondaga County Clerk's Office to forever impose conservation restrictions applicable to the Property; and

11. That prior to the start of any construction and then again at the time of the final plat approval, the Applicant shall submit any additional erosion and sediment control, grading plans and construction sequences, or any plans as may be required by the Planning Board; and

12. That the Applicant shall apply for final plat approval consistent with the Town Law and the Town of Skaneateles Code; and

13. That the Applicant shall generally comply with all representations as made in the FEIS, and applicable exhibits thereto.

As a result of the foregoing, the Planning Board has issued the above referenced Findings Determination, and Conditions, constituting a positive finding statement which concludes, after consideration of the FEIS (including the Final Design and Preliminary Plat) that the action chosen to be taken by the Applicant is one that avoids, mitigates or minimizes Potential Environmental Impacts to the maximum extent practicable, provided the conditions referenced above be fulfilled at or before the final subdivision plat is approved by the Planning Board.

RECORD OF VOTE

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

There will be the requirement for site plan approval for each of the proposed lots with the requirement placed as part of the final subdivision approval, as has been required for any other subdivision approval. Further development of the final subdivision plat plan will have the defined building envelopes for the residential lots and defined activity space for the conservation lot. The conservation easement language will be developed, as part of the final subdivision, approval including what uses would be allowed for the existing barns, maintenance of the high conservation land, etc. There is a very small part of the lot that is considered high conservation value with most of the property in the medium and low conservation values. There will be some tree trimming as needed on the property and as allowed in the code. There will be further review of the application before the final subdivision approval has been granted.

Discussion

Applicant: Emerald Estates Properties, LP
3394 East Lake Rd
Skaneateles, New York

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

Counsel Molnar updated the board concerning the open issues that he had discussed with the applicant's attorneys. The issues have not been resolved and will require additional review by the board. The board discussed that due to the complexity of this application that it will consider scheduling a special meeting on the third Tuesday of the month to continue the review of the application.

WHEREFORE, a motion was made by Member Hamlin and seconded by Chairman Southern to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 7:00 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk