

**TOWN OF SKANEATELES PLANNING BOARD
PUBLIC INFORMATION MEETING
LOVELESS FARM DEVELOPMENT
November 17, 2014**

Mark J. Tucker, Chairman
Elizabeth Estes
Donald Kasper (arr. 7:47 pm)
Joseph Southern
Scott Winkelman
Scott Molnar, Legal Counsel
John Camp, P.E. (C&S Engineers)
Howard Brodsky, Town Planner
Karen Barkdull, P&Z Clerk

Chairman Tucker opened the meeting at 7:30 p.m. Written comments regarding the Loveless Farm Development application may be submitted to the Board. John Camp, C&S Engineers, will be the Planning Board engineer to replace Mr. Wickman who is retiring.

Continued Review: Major Subdivision

Applicant: Tim Green/owner Loveless Farm Development 1194 Greenfield Lane Skaneateles, New York 13152	Property: 2783 West Lake Rd West side 051.-02-18.1 Vacant land: East side 053.-01-39.1
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Present: Andy Leja, Legal Counsel; Thomas Dussing, EDR; Benjamin Brazell, EDR; Matt Vredenburgh, Project Consultant to EDR

On November 7, 2014, the applicant had submitted responses to the questions that had been submitted to them by the Board. Mr. Dussing stated that the packet that was submitted includes responses to the questions submitted, project history for the last four years and outline of additional documents provided. The application has been pending for four years, been to twenty meetings with the Planning Board, eight sketch plan submissions have been made with the first dated May 3, 2010 and the last sketch plan dated March 9, 2012. Two sets of contract drawings with SWPPP documents submitted and dated May 10, and June 4, 2013. February 8, 2014 a preliminary plat plan was submitted and April 4, 2014 a full SEQR EAF with extensive supporting documentation was submitted. The SEQR review has extended through five meetings to date. With the extensive analysis and research completed, the applicant is ready for the Board to make a negative SEQR declaration.

Regarding chapter 131 subdivision of lands in the Skaneateles Town code, the applicant has placed self imposed height restrictions on the majority of proposed future dwellings on the east side of the project to protect views. Mr. Dussing stated that the project conforms to the comprehensive plan and zoning, and the streets are designed to meet the Town specifications of 66' width for the street that will be public with a cul-de-sac of 800FT maximum length, and fire lane 17 will be widened to 20' to increase safety for those who will be using the access. Detailed hydrologic and hydraulic analyses for the watershed tributary was submitted and reviewed by the Town engineer, and were found acceptable. Additional review by the engineer will be

completed as the application is finalized. Access to the lots will consist of a private driveway and common driveways with no more than four dwelling units per common driveway.

Building envelopes have been determined for each of the lots and 100' setbacks from farmland have been established for the well systems. An HOA application has been submitted and preliminary design plan for the proposed bridge, and over 100 percolation tests have been performed with conceptual septic systems design approved by the OCDOH.

Open space calculations have been included, compliance to required setbacks for the building envelopes determination, provided emergency road access to all lots, and a detailed stormwater pollution plan has been developed to comply with Town and NYSDEC requirements.

Mr. Brazell stated that the wetlands delineations have been completed with ACOE jurisdictional determination. Mr. Dussing stated that an erosion and sediment control plan has been developed for all areas with greater than 12% slope. Slopes greater than 30% have been indicated on the plan. The shared lakefront recreation has a width of 160FT which could allowed 16 homes; however, the applicant is only requesting six lots, with a maximum of 24 people using the shared lakefront, not requiring the need for a bathroom facility.

With the open space subdivision, the lot size is approximately one acre per dwelling and exceeding the two-acre density requirement. The front yard and side yard setbacks conform with the conventional lot setbacks of 30' front yard setback 60' town road setback 30' side yard setback and 50' rear yard setbacks, although the setbacks can be reduced by the Planning Board. All building heights will be less than 35', which selected dwelling locations restricted to 30' as shown on the site plan. Impermeable surface coverage for the entire project is less than 10% with the proposed impervious coverage between 7-8%. Open space is compliant at 60% open space. A SEQR determination is possible tonight with the additional responses to the questions provided, in addition to the prior documentation submitted.

Counsel Molnar recommended that the Board and applicant review each of the nineteen pages of submission at tonight's meeting with the applicant summarizing what has transpired to generate their responses to the questions.

Member Kasper arrived. Member Winkelman inquired why the 100' setback for the watercourse is measured from the top of bank rather than the top of the ravine edge. Counsel Molnar stated that the established setback is for the protection of the watercourse and the watercourse boundary is determined, as top of bank is the town's requirement. Member Winkelman stated that even though the water never reaches the steep banks of the ravine, the shale on the ravine does fall down. The stream on the bottom does have an effect on the top of the ravine bank. He continued stating that the town engineer on a prior application determined the top of bank location; however, the bank should have a larger buffer area in his opinion.

Member Estes stated that with the installation of the bridge, the stream bank would be cut and impact the natural ravine and character of the area. Chairman Tucker agreed that there would be impact to the ravine as well. Member Southern inquired how far out of the ravine does the 100' setback lie. The 100' setback is close to the 910' elevation and provides an adequate protection. Mr. Dussing stated that the whole stream does not have development in close proximity to it as only lot one is near the 100' setback. The recreation area is 20' further from the 100' setback is one area and the building envelope for lot one is 40-60' beyond the 100' setback.

Counsel Molnar inquired whether the shoreline structures would be built within the 100' setback. Mr. Dussing stated there are no shoreline structures proposed for the property. Member Estes stated that the Board needs to know if there will be any proposed shoreline structures as there will be shared lakefront. They are asking for only one segment and will request for approval for other segments later. Member Southern stated that if there were any shoreline structures proposed they would be subject to a special permit and site plan review by the Planning Board. He continued stating that the shoreline is not being given away and that it would still be under the Board's purview. Mr. Leja stated that there are no shoreline structures proposed. Member Estes inquired whether any approval could be conditioned on having no shoreline structures. Chairman Tucker stated that the application in front of the Board is for a subdivision and that shoreline structures require a special permit, which they are not requesting.

Mr. Dussing stated that the Planning Board had requested that the bridge abutments be placed outside of the 100' watercourse setback and the current design reflects the abutments outside of the 100' watercourse setback.

Mr. Dussing stated that the Planning Board inquired if there will be any improvements to the cart path located along the south property line of the eastern parcel. There are no improvements proposed and the intent is to leave it in the natural state. The subdivision will manage the drainage so that the erosion will lessen in that area. Member Southern stated that there are two concerns to be address there, the runoff and the health, safety and welfare of the area for the individuals using the path. The narrative states that the area would be cleaned up and a surface laid down. The application had a HOA controlling the waterfront to no HOA, back to a HOA controlling the waterfront. Six families will be traversing the path to access the lakefront. Mr. Leja stated that he understands the concern for the safety of the path; however, for the past decades, the path has stayed essentially the same and it was used by others who did not own the property nor had permission to use the path. Member Southern stated that the application has changed it to the use by the six families and we have to make sure it is safe. Mr. Leja inquired if the Board is requesting that the applicant provide a plan to improve the path. Member Southern stated that he would like to see something and that it was mentioned in the narrative. He continued stating the he is looking for a nice walkable surface they can safely navigate and not a wall or tramway. Mr. Leja inquired on who determines what is considered a surface that can be safely navigated. Chairman Tucker stated that the engineer and the Board would be approving the pedestrian area. Member Kasper reminded the applicant that it is only a walking path and no motorized vehicles can be used on the path as it is in the 100' setback from the watercourse.

Member Southern stated that the stream bisects the lakefront and inquired what side will be used for the shared lakefront. Mr. Leja stated that as shown on attachment one, the 160FT of shoreline dedicated for shared lakefront recreation runs from the center of the stream channel to the property line to the south. Member Estes inquired if the 160FT includes the stream. Member Kasper stated that it includes half of the stream. Member Estes inquired how much of the stream is useable lakefront. Mr. Leja stated that there is no definition of useable lakefront. He continued that the center of the stream to the north property line is reserved for lot one.

Responding to the question of saving mature trees on the property, Mr. Dussing stated that a note preserving trees with a 12" caliper or larger will be added to the plans that the engineer can review and approve.

Regarding the name of the watercourse as Bentley Brook, the plans will be revised to reflect the name of the watercourse at the end of the SEQR process on the final documentation.

Mr. Dussing addressed the request to provide a map showing the potential relocation for building envelopes down the slope for lots 2-6 and the effect on open space. Attachment 2 is the map that shows that the subdivision would be nonconforming to the open space requirements. Chairman Tucker inquired if any other configurations have been considered to relocate some of the lots on the east side as the proposed east side of the development looks exactly like the subdivision to the south with the houses all lined up along West Lake Road. Mr. Dussing stated that eight site plan submissions have been given to the Board.

Chairman Tucker stated that he has never been comfortable with the east side of the proposed subdivision. Member Estes stated that the narrative from EDR states that there is no good way to do it based on the site's topography. There is a problem putting all these homes on the sloping lot that is there. Mr. Dussing stated that we have shown that we can design the lots on the east side and comply with the zoning code. Chairman Tucker stated that it doesn't show the open space and it looks like a two-acre subdivision. Mr. Dussing stated that the intent of the open space with views that the homeowners will have, there is quite a bit of open space as reflected on the open space view supplement dated November 17, 2014. Member Estes stated that you are looking at open space as habitants of the dwellings as opposed to the community. Mr. Dussing stated that the community also has views of open space in all directions. Member Estes stated that as you go down 41A all you will see is houses on the east side. Mr. Leja stated that the visuals prepared prior shows that the dwellings moved down the slope with the tree line show that the view of the lake will be preserved. Chairman Tucker stated that the existing view today is across a field and down to the lake, and with houses placed there, it will limit the view somewhat. Mr. Leja stated that with the proposed dwelling locations, you will have the lake view and will see some of the slope. It is impossible to have the same view you have now with some development, and EDR has worked diligently to design the subdivision that conforms to the zoning code. There is always a balance you need to achieve with development, as no development is perfect. This subdivision plan provides an aesthetically pleasing development for the inhabitants and also those passing by on route 41A while not encouraging individuals to stop to look on the busy highway. The applicant has voluntarily reduced the height of the dwellings on the east side. The view shed to the lake is preserved. There are constraints due to the lot shape; the topography and the ravine with its limitations, there are only a certain number of ways to accomplish the design. If the Town waived its two-acre lot minimum, then there are many others ways the design could be accomplished.

Member Kasper recommended that one lot be eliminated and that the suggestion has been made prior. Mr. Leja stated that eliminating one lot does not cure the issue and make the linear pattern of lots go away on the east side. Member Kasper stated that they would be farther apart. Chairman Tucker stated that if one lot was removed, the open space would improve and you could move the lots down out of the steep slope areas. Mr. Dussing stated that it won't change for the remaining lots because you would need to have the septic systems at the bottom. Member Kasper stated that the systems can be pumped up or pumped to the side, as they can be located on the side of a house or uphill in the backyard. Mr. Leja inquired how many lots needs to be eliminated. Chairman Tucker stated that he is not looking to eliminate any; however, the design needs to be better than stacking the lots in a row along 41A just like the lots to the south. Mr. Leja stated that then it is consistent with the neighborhood. Chairman Tucker stated that it was consistent with the neighborhood to the south and he thought the applicant was trying to do an open space subdivision. Mr. Leja stated that the applicant is doing an open space subdivision, and the Board has to consider both side of the subdivision on the east and west side.

Chairman Tucker commented that there will be two separate homeowners associations, one for the east side, and one for the west side. Mr. Leja stated that the HOAs does not affect the identity of the applicant or the proposal. Counsel Molnar stated that the attributes of the west side offset the deficits on the east. Mr. Leja stated that the attributes of both sides are used for the common good. The west side is dependent on the east side as the east side is to the west and considered as a whole. Counsel Molnar inquired if the east side could stand-alone. There have been no impacts arising from building on the slopes as indicated with the code.

Member Kasper stated that there are others issues such as building heights by cutting into the hill. Mr. Leja stated that the height reduction will be achieved by reducing the maximum height and building envelope level where they can be built to not affect the visual view shed. Member Kasper inquired how much of the land will be cut, where the fill will be located and will there be steep slopes behind the dwellings. Mr. Leja stated that those questions are answered further on. Mr. Dussing stated that attachment 4 shows the locations of the septic systems with expansion and location of the dwellings that meets the code and protects the Town. Member Kasper stated that the applicant is creating a larger problem by building in the 30% grade. Mr. Dussing stated with the proper post construction and drainage plans, building can be accomplished. Attachment 8 shows projected soil stockpile temporary locations until the soil can be placed in areas to seed. The sloped areas can be stabilized with vegetative mats and plantings.

Member Winkelman stated that the east side of the subdivision has a lot of high conservation value land and does not feel the analysis reflects the amount of high conservations land there as there is no low conservation land on the east side. The high conservation lands should be avoided. The other issue is that raised bed septic systems and lawns will be a hodge-podge and they are not green as undisturbed land. The third thing is that the management of the segmented open space will be difficult in the future. Mr. Leja stated that the HOAs will have covenants to maintain the property to preserve open space. Member Winkelman stated that the open space should be at a grander scale in the LWOD and not broken up. Mr. Leja stated that everything is designed to follow the code. Member Winkelman stated that the design meets the bare minimum of the code. Mr. Leja stated that it is quite the contrary as the average lot size exceeds the two-lot minimum with the average of 2.8 acres. He inquired what basis is used to say that the east side on the development is only high and medium conservation value. Member Winkelman stated that on page six it describes high conservation value include un-fragmented and mature forestland, steep slopes, water resources, archaeological and historic sites, open space scenic view sheds and farmland.

Mr. Brazell stated that the conservation analysis for the subdivision was initially submitted in May of 2010. The established method to determine the value included the description, study area, zoning, topography, land use, vegetation; quantify the acreage, wetlands and water features cultural features, visual and aesthetic resources. Within the analysis, we state how we define areas of high, medium, and low conservation value. The code stated that it must be submitted at the time of the application submittal, and that the Board shall define what areas have high conservation value. At no time was the applicant advised on specific areas to conserve. Counsel Molnar stated that contrary to that on May 27th the Board requested that the conservations value land be placed over the proposed site plan. August 14, 2014 it was submitted. Mr. Brazell stated that in 2010, the applicant made four site plan revisions and in 2011, two site plan revisions. In 2012 two additional sketch plan revisions and no time did the Board identify any areas of high conservation value.

Member Winkelman stated that since he has been on the Board it the historical property to the north and the views have been mentioned. Member Estes stated that the Board has never accepted the conservation analysis that was submitted. Mr. Leja stated that if that statement has been made, it has been made very recently after four years of working with the application. All of the revisions to the site plan were completed at the direction of the Board and we would have taken into account on any concerns of removing specific areas if the Board had requested. It is a dramatic departure for the Board to now state that the entire east side is high conservation value. There have been eight major revisions including elimination of a lot, moving the road on the east site and have the site plan continue to meet code.

Mr. Brazell stated that between 2010 through 2012 no board member had stated that the east side is high conservation value. Member Estes stated that the plan has all of the dwellings in medium and high conservation value. Mr. Brazell clarified that attachment 5 reflects that there are proposed lots in high, medium, and low conservation value. The design of the west side is in according to the rural siting principals and not the hamlet siting principals. Member Kasper stated that the west side does not seem to have issues but the Board has never been happy with the east side plans.

Mr. Leja stated that the applicant cannot read the Board's mind and that the designs submitted have always been code compliant. They have worked with the Board on the east side, complying with the requests of the Board. EDR has prepared analyses based on objective standards for the entire property. He continued stating that if someone is taking issue with it then there are far reaching implications for the entire project. By saying, everything is high conservation value then it affects everything in the application process including the analysis methodology without empirical evidence or standards. Not wanting development on the east side is not a good enough reason. Nothing has changed since 2010 to change the valuation. The applicant needs valid reasons why the analysis is completely wrong and causing the entire plans to be revised.

Mr. Brazell stated that after the submission of the initial analysis is when the Board should advise the applicant to prevent the applicant from spending a significant amount of resources to develop the plan without the feedback. Member Winkelman stated that one of the neighbor's had submitted a conservation analysis prepared by Appel & Osborne. Mr. Dussing stated that the analysis did not have any criteria and methodology for determination, but just labels for the areas. Mr. Brazell stated that specific areas are evaluated. The conservation analysis was updated in 2014 to reflect the update for the wetlands delineation, which added another area of high conservation on the west side. The cultural resources immediately north of the highway increase the high conservation area to the north. In 2010, we had defined high, medium, and low conservation values and at that time is when comment should have been interjected. The view shed was not a state or locally identified significant view shed. Now as what was discussed, the view shed can be mitigated. An exhaustive visual impact analysis was completed and presented in the spring of this year including the methodology and rating used. Subsequently the Board asked for additional mitigation measures, which have been accommodated. The view of the lake from the vehicles going by will be the same. Also of note is that there are no public pull offs for the public to enjoy the view. Member Kasper inquired if the applicant made a mistake on the analysis in the valuation of the property based on steep slopes, view shed, and public opinion heard at the information meeting. Mr. Brazell acknowledged that they are hearing that now but not during 2010 through 2013. The definitions were spelled out in writing. Member Kasper stated that the Board has to consider the public views when reviewing the facts. We're finding all these facts from public comment, and even your own document. Mr. Leja stated that the conservation analysis determination is based on empirical analysis and not on public sector.

Member Kasper inquired on how the steep slopes are not high value when it is listed as high value. Mr. Brazell stated that they feel that the view shed and steep slopes are valued correctly and that the code has the Board to determine if they agree early in the process. Mr. Leja stated that after 4.5 years for the Board to now change their opinion is problematic. We now have to look at how we can mitigate some of the issues; we have done that with the view sheds with placement of the buildings, we done that with addressing the slopes, and done them consistent with the code. Member Estes stated that she wasn't on the Board in 2010, the fact that the applicant had to come back so many times says it was a problem from the beginning.

Mr. Leja stated that every time the applicant came back with a revised plan it complied with the code. The facts are the plans submitted to the Board comply with Town code and do not need a variance and has always been the case. The Board is thorough and the code is known for its sophistication, complexity and its attention to environmental issues. It has been very telling that the Board has not thrown out any of the plans submitted and shows that there has not been an ongoing problem that needs to be fixed. The Board has never said that it does not want any development on the east side. The code allows us to put there what we had proposed. If an applicant is looking to do development in the Town then they must comply with the code, and if they follow, the code then they have a reasonable belief that their project would get serious consideration from the Board, and not be lead down the path of 4.5 years later to be told to start over. The applicant has a commitment to comply with the code and the visuals are a perfect example. The Board stated that they didn't like that some of the views from 41A of the lake may be obstructed. The applicant proposed modifications to allow the lake view with the reduction of the height of the dwellings. This is a perfect example of the applicant's and Board's give and take.

Member Winkelman stated that the difference is that this is an open space subdivision with the code covering the entire Town. In the LWOD with the Loveless Farm being subdivided over 100 years, all the easy property to subdivide is gone. The remaining property has high conservation land, steep slopes, and woodlands and now the applicant wants to subdivide this remaining property, applying these codes and the property is in the LWOD and should be at a higher standard.

Mr. Leja stated that the higher standard is reflected in the code itself with additional regulations for property in the LWOD and Open Space Subdivisions. If there is a threat to the watershed from this project then it should be stated. All of the erosion control plans, SWPPP, review by the Town engineer for 4.5 years have not identified any threats. Proof of significant impact needs to be provided if it exists and hold the applicant to the code. Up to now there have not been any brought to bear in the last 4.5 years. You have asked to lay out all the impact of the bridge, impacts to the stream, and impacts to vegetation; that has all been done. Stating no development of the east side is a significant departure at a late stage that is tremendously unfair to the applicant.

Member Estes stated high value conservation of this land and steep slopes have been discussed over the last two years, and the applicant has not brought significant changes to the proposal. Mr. Leja stated that he respectfully disagrees. Member Winkelman inquired whether the applicant had considered a conservation subdivision. Mr. Leja stated that the open space subdivision was taken voluntarily in 2010 and was welcomed by the Board. Member Winkelman suggested when he joined the Board, he suggested the applicant consider a conservation subdivision. Mr. Brodsky clarified the definitions of each of the types of subdivisions; conventional requiring 2 acre lots; open space that use a clustering of the lots with

the lots at 1 acre and density at 2 acres; and conservation subdivision which requires three times the conventional lot size or six acre lots. The open space subdivision was welcomed by the Board and the subdivision does mathematically comply with the regulations.

Mr. Leja stated that conservation subdivisions have lot sizes that are out of character with the neighborhood. The Board inquired why the lots are two-acre lots. Mr. Dussing stated that the lots are approximately one acre as allowed by the code. The density is 2.8 acres per lot.

Chairman Tuckers re-stated that he is not comfortable with the east side design and had given suggestions tonight that didn't want to be accepted. Mr. Leja inquired what lot should be removed for the plan. Chairman Tucker stated that maybe it could be reconfigured. Member Kasper stated that it is not the Board's job to design the subdivision. Mr. Leja stated that it is the Board's job to let the applicant know why the proposal does not comply and what you would like to see differently. Eight sketch plans and 4.5 years later, the Board should state what they want. Member Kasper stated that with the steep slopes the applicant is only mitigating the impact. Mr. Leja stated that that is what the code allows. Member Kasper stated that he is not happy with how the steep slope is being mitigated with 30% steep slopes behind the dwellings and making the condition worse. Mr. Leja stated that the engineers say otherwise. Construction in that hillside has been on the table for 4.5 years. The proposed road that was close to the 41A was a concern and the Board asked for it to be moved down; the applicant moved it down which moved the houses closer to the slopes. That was a tradeoff to comply with the Board request to move the road down the slope. Chairman Tucker stated that the first submittal had two roads that came down into the property. Now there is one joint road. The road was designed to Town specification and could be place there in the slopes. The Board made a preference to consolidate it into one road wrapping around below which pushed the houses up the bank. To protect the views the dwellings were pushed down the slopes to preserve the one asset the Board identified.

Mr. Leja stated the applicant is trying to accommodate the Board's requests and still stay compliant with the code. The applicant has spent time and resources to pursue the subdivision. Counsel Molnar stated that many Boards would not hold special meetings for an applicant to give the application the attention it deserves. Mr. Leja stated that applicant believes the project is good for the area and does not want the proposal to violate the code, create huge erosion potential, and cause massive runoff. The applicant doesn't want that because he is going to be there. Member Winkelman stated that the proposal does not comply with the comprehensive plan. Mr. Leja stated it absolutely does. If the proposal complies with the zoning code then it complies with the comprehensive plan as the zoning code is written based on the comprehensive plan. The comprehensive plan is just the wishes, hopes and desires with goals that are achieved through the zoning code. The Board needs to strike a balance between encouraging appropriate development and discouraging what is harmful to the environment.

Member Kasper suggested that we continue the discussion on some of the other points in the discussion. Mr. Dussing stated that the Board had requested a map showing the historical location of Bentley Brook on the site and any relocation of that Brook's bed over time. Attachment 3 reflects that Bentley Brook has not moved substantially over the last sixty years.

Mr. Dussing stated that the Board asked the applicant to consider adjusting the project's drainage easement to extend to the area south of Bentley Brook closest to the lake. EDR had reviewed the 100-year flood elevation and did not identify any environmental benefit to extend the drainage easement. Member Estes inquired if this was reviewed by the Town engineer. Mr. Dussing stated that they reviewed the hydrological study of flow and measurements and determined not

only from a water quality and water quantity, with full DEC compliance, that it did not need the extension. Member Estes inquired if the review was completed before the 30% slopes behind the houses. Mr. Dussing stated that it was completed prior. Member Estes stated that the study is no longer adequate. Mr. Camp stated that there has always been a steep slope coming off the road that has not changed and any new change will not change the drainage substantially. He stated that they had reviewed it in the past and was okay with it. They can re-review it again.

Regarding the request to explore potential mitigation of the eastern view of the lake from Route 41A over lots 2-6, Mr. Dussing stated in a previous submission that the visual impact has been mitigated by lowering the building envelope and controlling the height of the dwellings and allowing views of the lake from 41A. Additionally, views from across the lake were provided showing little change in the views. Member Estes stated that the photos show the east side only. Mr. Dussing stated that you can see the western side from the lake. Member Estes inquired if the dwellings would be seen once the area is cleared of trees on the western side. Mr. Dussing stated that they did a mathematical model for the entire subdivision at the maximum build out and height and you will not see the western development with the exception of one small house. He continued stating that the bridge and clearing for the bridge cannot be seen. Member Estes stated that you would see the western development from Route 41A. Member Winkelman commented that lot one will have many trees removed. Mr. Dussing stated that the model reflects that maximum amount of tree removal and will not be indicative of what the applicant will want to do. Mr. Leja stated that the model has the build out at the maximum heights and that may not necessarily be built to that level.

Mr. Dussing addressed the request for a plan and narrative for the proposed bridge for lot 1. Ryan-Biggs provided a graphic (attachment 7) that show how the project would be constructed, the length of the bridge, where the cranes will be located, trees to be removed, and designed to NYDOT standards. A cross-section is provided to show the low profile. Member Southern inquired why the applicant has not considered a covered bridge. Mr. Dussing stated that the bridge would not be visible. Chairman Tucker stated that there are many cuts for the bridge and it looks like 12'-14' of cut into the bank. Mr. Dussing stated that it would require very larger girders to support the span. Mr. Leja stated that the way to mitigate the cut is to adjust the watercourse setback. Chairman Tucker stated that the other option is to have no bridge. Mr. Leja stated that lot one is the most valuable part of the property and needs the bridge for access.

Mr. Dussing stated that soil-boring analysis will need to be developed to size the girders and construction needed. Member Winkelman stated that the bridge is tight to the property line. Mr. Dussing stated it is tight but a truck can make the radius. Chairman Tucker inquired on the width of the cut for the bridge. 18' wide bridge and clearing will need to happen on each side of the bridge. Member Southern inquired if the width of the bridge was taken to the top of bank what reduction in size the span would be. Mr. Dussing commented that the width would be reduced by approximately 70', from 250' to 180'. Member Kasper inquired on the cost of the bridge. Mr. Dussing stated that he guesses it is approximately one million dollars. Member Kasper inquired if the applicant had approached the Robinsons next door to obtain an easement to the lot. Mr. Leja stated that the Robinsons have refused their overture to obtain an easement. If there was a way to gain access without using the bridge they would gladly do that if it was reasonable.

Member Southern commented that there would be less of an impact if the bridge were shortened. Member Southern stated that there would still be a cut but it would be less than the longer span bridge. Member Estes stated that then you would be in the slope of the ravine. Member Kasper

stated that the cut would be just for the bridge and the end of the banks would hide the bridge. Mr. Leja stated that if the Board wants to shorten the bridge span then the applicant would want it in writing from the Board because it does involve considerable expense in engineering review. Chairman Tucker stated that he is not comfortable with the bridge and how much of the woods would need to be cleared for the construction in the high conservation area. Member Estes stated that the environmental impact from each of the bridge scenarios would need to be studied. You cannot mitigate the impact to the ravine in her opinion. Mr. Leja stated that the ravine will not be touched in the construction of the bridge. Member Winkelman stated that the bridge will affect the temperature of the ravine. Member Estes stated that the diagram shows you are working in the ravine. Mr. Dussing clarified that what is shown is stormwater protection and not the bridge. Mr. Camp stated there is an eroded channel and the project will provide an opportunity to improve the erosion. Counsel Molnar inquired if the bridge is staked out on the property. A visual presentation of the proposed bridge layout would be helpful to the Board. Chairman Tucker stated that the area should be staked out so the Board can have a site visit and have a better feel for what is being proposed. Mr. Leja stated that they can do that.

Member Winkelman inquired on the number of percolation tests performed on the property. Mr. Vrendenburgh stated that there were 320 tests performed at 10", 12" and 24" depths based on the layouts of the lots.

Mr. Dussing addressed the location of the driveway north of the bridge. The driveway will be located 20' from the property line and will not be visible from Route 41A. Lot 1 will have site plan review as a requirement and the Board can review the vegetation removal, visibility, and screening of the driveway as part of the approval. Member Estes commented that the bridge would probably be salted in the winter to maintain access. Mr. Dussing stated that it will be a private bridge and that it can be addressed during site plan review. Member Kasper stated that the roads are salted throughout the Town and probably drain into the brook.

Regarding any shoreline structures, the applicant is not proposing any shoreline structures. The shared lakefront is restricted to six lots and will be managed by a HOA. Member Kasper inquired on the difference of the HOA on the west and east sides. Mr. Leja stated that the east side HOA will have the private recreation area limited to six lots. Member Estes inquired whether lot 1 is in the HOA. Mr. Leja commented that lot one is in the HOA for shared recreation areas but not part of the shared lakefront. One lot from the west side will have shared lakefront rights but will not be part of the eastern HOA.

The Planning Board had requested that trees 12" or greater caliper be saved if possible. Mr. Dussing stated that a note will be added to the plans directing retention of 12" caliper or greater healthy trees.

Regarding the safe passage of the pedestrian walkway for the shared lake front access, Mr. Dussing stated a method has been proposed and will be enhanced based on the discussion today.

Regarding the planted evergreens along West Lake Rd, Mr. Dussing stated that some of the trees could be selectively removed or they could be topped. Chairman Tucker inquired who would enforce the topping of trees. Mr. Leja stated that it could be made a HOA requirement and subject to the enforcement of the Town. Member Kasper inquired whether the trees removed could be transplanted. Mr. Leja stated that he did not know if they could be transplanted. Member Winkelman stated that they may be too large now to transplant. He continued inquiring

if the, area could be returned to meadow. Mr. Leja stated that the evergreen row will also assist in blocking the views of the backyards from Route 41A.

Mr. Leja addressed the impact the project may have on the character of the neighborhood and applicability/suitability of the project in the RF district. Mr. Leja reference the narrative on page 13 of the November 7, 2014 submittal.

Regarding the anticipated result of the proposal to limit the height of the structures on the East side, impact on the view shed and depth of the cut expected into the hillside to reduce the grade, how much material will be removed. Mr. Dussing stated that the impact to the view shed will be mitigated by the height restrictions imposed on lots 3-6. Attachment 8 shows where the materials will be staged during construction. The depth of cut, amount of soil removed and the grading plan has not been finalized pending the review by the Town engineer. If there is more material that will need to be staged then the plan will be modified or the materials moved off site.

Attachment 4 has been review by Jeff Till, OCDOH and he finds it acceptable along with the conceptual septic systems with the understanding of final review of the plans prior to the start of any construction. An email of the conversation with Mr. Till is attachment 9. Mr. Till has reviewed all the plans prepared by RZ Engineering and the plans the Board has received.

The requested visual simulation of the east side lots and homes viewed from the lake is shown on attachment 4.

Regarding the inconsistencies of technical and calculations between the Robert Eggleston letter of June 24, 2014 and the applicant' submittals, Mr. Dussing stated that the applicant is confident in the accuracy of their calculations and stated that the open space calculations are based on both sides of the subdivision. The open space calculations correlate to the amount of land on each side of the proposed development with the west side comprising 60% of the land and 60% of the open space and the east side comprising 40% of the land and 40% of the open space calculation. The farm road on the west side is not in the open space calculations. The open space comparative of the proposed subdivision is not appreciably different from the other subdivisions noted by Mr. Eggleston. The west side driveway is not in the 100' setback from the wetlands and the NYSDEC does not have designated setbacks from the wetlands for driveways. Member Southern stated that the zoning code requires 100' setback from the wetlands for driveways.

Tree removal for the bridge and the bridge within 100' of the watercourse setback has been provided in a prior submission. Mr. Leja stated that the applicant has committed to a vegetative screen between the bridge and driveway and the property to the north. If the Board requests, conifer trees can be planted to provide year round screening. Member Estes stated that the roots of some of the trees will be driven over during construction of the bridge causing damage to the trees.

Deeding the west side road has always been the applicant's desire to dedicate the road to the Town, and it is designed to Town road specifications. Chairman Tucker stated that it may be the desire but the Town does not have to accept the road as a Town road. Mr. Vrendenburgh stated that whether it is dedicated to the Town or not it will be designed to the Town standards. Mr. Dussing stated that it has been the intention to dedicate the road to the Town as noted in the 2010 submission. Counsel Molnar stated that the road is designed to Town specifications in case it is accepted by the Town Board as a Town road.

Regarding the timeline for completion of the project, Mr. Dussing stated that no contractor has been hired until the subdivision has been reviewed and approved. An estimated sequence is noted on page 18 of the November 7, 2014 submittal.

There will be no impact of the project upon the surrounding wells with the OCDOH review of the conceptual plans and found them acceptable with the understanding that OCDOH will review the finalized plans and grant final approval at a later date. Jeff Till stated to Mr. Dussing that there has never been any impact of projects on existing wells in the lake watershed. Member Kasper inquired if the county required the applicant to do test wells. Chairman Tucker stated that he had a conversation with Mr. Till regarding the project and he stated that he had no problem with the septic designs as of now.

Member Kasper inquired on the construction sequence, and if the plan was to do the west side and east side at the same time. Mr. Leja stated that he does not believe that there will be simultaneous construction of the west and east sides of the subdivision. The houses on the east side are for family members as they mature so they will not occur at the same time. The road construction will occur when the lots are sold. There is no formal phasing of the subdivision.

Attachment 9 reflects that the OCDOH has not heard of issues with the water supply from wells in subdivisions in the Skaneateles lake watershed. The location of the water supply wells is acceptable as shown on the grading plan. Also noted that the final design will need to be prepared and submitted to the OCDOH for final review and approval.

Member Winkelman stated that in prior subdivisions, there has not been development in high conservation areas and this proposed subdivision has lot 1 in the high conservation area. Mr. Leja stated that development can be done in high conservation areas if done sensitively and carefully. The Board is in position to encourage appropriate development taking into account all of the safeguards, and consider the applicant who has thought through the process and are well equipped both technically and practically to put that development there and met all the Town codes and requirements to do so.

Member Winkelman stated that lot one is in the high conservation valued land and is next to a property of historical significance directly to the north. Mr. Leja stated that it has been reviewed in terms of the archeological and cultural analysis and been signed off by SHPPO with a determination that there will be not impact to the historical site. Member Winkelman stated not archeological study but just the historical site registered as Brook Farm. Mr. Leja stated that the archeology study was done across the entire property including the area of Brook Farm. Counsel Molnar stated that due to the proximity of the project to Brook Farm, the Board is compelled to consider it a Type one action for SEQR. Member Winkelman stated that the point is that it was considered high conservation value before but it is even higher. Mr. Leja stated that lot one was always proposed in the high conservation area when the first conservation analysis was done in 2010.

Mr. Dussing clarified that in regards to the driveway setback from wetlands, in section 148-29D, no primary or accessory structure 600' or larger shall be located within 100' of a wetland or watercourse, and no accessory structure 200SF or larger shall be located within 50' of a wetland or watercourse.

Mr. Leja stated that there are criteria involved in determining conservation values that can be skewed depending upon the criteria and methodology used. Counsel Molnar stated that there is

potential to have two different views on the conservation analysis depending on who is doing it and their standards. Mr. Leja stated that the applicant's conservation analysis is more objective than the one completed by Appel and Osborne based on the standards employed. Counsel Molnar stated that the time is right for the Planning Board to consider retaining its own consultant to examine the conservation analysis submitted is accurate. Mr. Leja stated that each expert will interpret the analysis his or her own way and you may not have consensus. Mr. Leja continued stating that given the way the codes sets up the subdivision review process, any significant changes to the conservation analysis brought to the applicant's attention should be done early in the process before considerable investment has been made in designing a plan to meet the requirements. Counsel Molnar inquired if the applicant had put in a specific request to have the Planning Board review the analysis under the criteria of 148-9G(1). The sections of code does not require a specific timing as you are suggesting; however, you are asking us to consider it as a fixed document. The 2010 conservation analysis and the 2014 conservation analysis will be compared by the Town. The Planning Board needs to review it right now and determine if the values are accurate and it may be in agreement with what the applicant has submitted. Is lot 1 appropriate to be developed in this high conservation value in an open space subdivision, when that has never occurred before. Mr. Leja stated that someone said it has not occurred before but that may not be a factual statement. I understand that the Board is at a critical juncture and the purpose of the conservation analysis and the reason it is at the beginning of the review process is so that the applicant is told right up front and can drive the design of the applicant's project. Counsel Molnar stated that we are in the sketch plan process. Mr. Leja stated that we are 4.5 years into the sketch plan process and not in the early stages of the process. Counsel Molnar stated that it is after considerable labor of the Board and the applicant.

Mr. Leja stated that the conservation analysis plays a role early in the process to give the applicant a fair inkling of what this Board expects from a design standpoint. Member Estes stated that the intent of the analysis is to determine high conservation value, and you build in the high conservation value land. Mr. Leja stated that there is no barrier to building in the high conservation land area so long as it is done correctly. The Board still has site plan review of whatever is placed there. Building in a high conservation area happens all the time as long as it is done appropriately. Member Winkelman stated that it still degrades the land's value. The reason we do the open space is to save the land of highest conservation value. Mr. Leja stated that conserving high conservation valued land is not the reason an open space subdivision is done. There is nothing in the code that states that you cannot build in high conservation value land.

Chairman Tucker inquired whether C&S could prepare a conservation analysis. Mr. Camp stated that he would check with his firm and reply within the next few days. Member Winkelman inquired how long it would take to complete the analysis. Mr. Camp stated that it would be completed within two weeks.

WHEREFORE, a motion was made by Member Estes and seconded by Member Winkelman to have an independent conservation analysis for the Loveless Farm Development project to be prepared by C&S Engineers.

Member Kasper inquired what the intent of the separate analysis is. Member Southern stated that it doesn't change what we need to do. Member Estes stated that it give the Board information on whether there are other areas of high conservation value. Counsel Molnar stated that 148-9(1)(c) and (d) indicate that the outcome of the analysis would determine what lands would be preserved under a conservation easement as well as recommended uses and

management practices, and the final determination as to which land has the most conservation value and should be protected from development by a conservation easement shall be made by the Planning Board in their written findings. Member Southern stated that its going to tell us that lot 1 is in high conservation land and we will gain nothing from a different analysis. What we do have is the ability to say is that we don't want anything in that high conservation area. Chairman Tucker stated that it would give us someone to back us up. Member Southern stated that we want it to say high conservation value and the applicant is already saying it is high conservation value.

Counsel Molnar stated that if the applicant has conceded that it is high conservation value and is saying that it is nonetheless developable. The question is whether or not it is developable is for the Board to make, and inquired if the Board is comfortable with that decision without consultation. Member Southern stated that there would not be a different answer if another analysis was completed.

WHEREFORE, Chairman Tucker polled the Board on the pending motion.

The motion failed as the Board having been polled resulted in the defeat of said motion.

RECORD OF VOTE

Chair	Mark J. Tucker	Present	[No]
Member	Joseph Southern	Present	[No]
Member	Donald Kasper	Present	[No]
Member	Scott Winkelman	Present	[Yes]
Member	Elizabeth Estes	Present	[Yes]

Member Kasper requested that the engineer review the steep slope lots and provide an opinion on the proposed development to the Board at the next meeting. A site visit will also occur on November 22, 2014. Mr. Leja stated that there is additional information that the applicant will provide at the next meeting that was requested by the Board. Mr. Leja thanked the Board for its continued processing and evaluating this application, and accommodating the applicant with scheduled special meetings and requested feedback on whatever the applicant can do to bring this project to its final resolution.

Escrow

There is an outstanding invoice for legal services rendered that will required additional funds from the applicant to process.

WHEREFORE a motion was made by Chairman Tucker and seconded by Member Kasper that the applicant increases the escrow account in the amount of \$7,000. The Board having been polled resulted in the unanimous affirmance of said motion.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member Southern to adjourn the meeting. The Board having been polled resulted in the unanimous affirmation of said motion.

Respectfully Submitted,

Karen Barkdull

Karen Barkdull, Secretary/Clerk