

**TOWN OF SKANEATELES PLANNING BOARD
SPECIAL MEETING
HIDDEN ESTATES
May 26, 2015**

Mark J. Tucker, Chairman
Elizabeth Estes
Donald Kasper - absent
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. He continued stating that the applicant will make a presentation on the application and afterward public comment will be taken. He reminded the audience to announce their name and address when they begin to speak.

Continued Review: Major Subdivision

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

Present: Donald Spear, Representative; Robert Eggleston, Architect; John Delaney, Legal Representative

Mr. Eggleston: Bob Eggleston, architect for the applicant, Don Spear and Mark Spear, his son, are also here. This is an 81-acre parcel that was previously subdivided as a minor subdivision. The 81-acres are located here and the prior subdivision put a shared driveway in, with lot 1 and lot 2 each of six acres. There is also parcel D which is six acres and also shares this driveway. When the previous subdivision was done, it was four properties that had a shared driveway and there is a water quality pond at the bottom of the hill. This application is to create nine lots out of the 81-acre lot that was remaining and to transform this shared driveway into a conservation road that meets certain criteria for a conservation subdivision road. The first thing that was required is that we do a conservation analysis. We chose to update the previous conservation analysis that was done for this property. We looked at things such as steep slope, identifying, there is only one place that has 30% or more steep slopes. The others in yellow are between 12% and 30%, of which the darker yellow are over 20%.

We then took a look at the wildlife habitat and we found that because of the adjacent farmland, farmland and wildlife habitat, we have unfragmented forest along the north property. We had abandoned agricultural fields, the rest of the northern property we have preserved agriculture on the south; on the east we have active agriculture. This border area we have identified as high conservation and the overgrown meadow as a medium conservation area.

Then we looked at the view shed. The three view sheds, one was from the bottom of East Lake Road looking up the hill, and pretty much this is the limited area you can see. While there is nothing outstanding in the view shed, this is an area; obviously one could see homes built in that area so we called that area medium conservation value. The next view is from down Pork Street way up about there. There is a spot you actually can see the Weaver barn in the background. Pretty much, you don't see any of these areas in green which are low conservation. This area is where you could potentially see a few homes but this area is of medium conservation. It is really the taller lands around the perimeter that provide for us background to help shield any development that would occur in front of it so we put high conservation value on that.

Then we went across the lake to the West Lake Road looking across to the site here and again it was this area here that you could see. This area here flattens out and you really can't see too much of it and then this area which is high conservation that protects and provides that constant ridge line of forested area behind it so we gave it a high conservation value.

Then we looked at the wetlands and buffers. There are some wetlands and some ponds, wetlands over here and then there are some watercourses that come along here turn and there are buffers around it in yellow.

Then we looked at a composite map with all of the overlays with the darkest red having areas with multiple high conservation qualities to them, like the orange might be one or two items that might trigger high conservation value. As you get into yellows, the lighter yellows mean maybe one trigger for medium conservation, the darker the yellow it gets into multiple items that have medium conservation. Where it was green means there was totally low conservation value.

Putting this into a three-color system with some additional comments from the Board created map #8 with low conservation area, a fairly large medium conservation and high conservation which has any degree of red in it. At the request of the Planning Board, the slopes were put into high conservation value for the conservation analysis findings. That's part of the analysis of the site to determine the best locations for home sites. Throughout out shown lots 3 through 11 for potential home sites.

The next item is how to improve the road so that we have it meet the requirements. Unfortunately, Rudy Zona's office is not here today but we will be taking any notes and comments back to him. The water quality pond here, with a few adjustments, will be capable of taking additional runoff created by the road. We will be regrading the road in this area and in this area here to meet the required 12% slope. We will be paving the road; one of the things we have discovered with the driveway is that the gravel does not hold up well on the steep slope that has caused problems added to the construction traffic that has been going over for the last year or so constantly beats it up. We will be proposing that this will be a paved road in the steep slope and will enhance the drainage ditches as required.

Currently the road ends at a hammerhead in this area (just past the Nangle property) and it continue around lot two that will be a hammerhead at the end to service the homes, and all the water will be controlled in the water system. In a conservation subdivision, we are required to have an average of six acres per home but we have a requirement of two acres per minimum lot. Lots 3 – 8 run in the 1.5 to 3.75 acres and we have strategically placed them so one home is looking over another with homes having views of the lake. These homes will be set far enough

back and high enough to look over the other homes. We have been very careful to have everyone maintain views from the proposed building sites. The other thing, because it is a conservation subdivision is that we do have prescribed building envelopes so the area in green is what we have proposed for the building envelopes. We do have lot 11 yet to put together, Those have met the criteria for the conservation subdivision which will allow twelve homes, lot D, parcels 1 and 2 have already been subdivided, and then the additional nine lots would have access to this road.

Chm. Tucker: At this time, we will open it up to anyone who would like to speak. Please state your name and address for the record and we will take comments at any time.

Debbie Williams, 3168 Rickard Road, my first question is ! I don't understand how this can be considered a conservation subdivision when the lots, it is very specific in here, are supposed to be three time the conventional subdivision which is six acres. If someone could explain to me, how you can have lots some of them less than three acres.

Chm. Tucker: I believe it is the average that has to be in the conservation subdivision in the code.

Debbie Williams: I am reading the code

Mr. Brodsky: 131-6A(1).

Debbie Williams: Average lot size of at least three times the minimum lot size. It doesn't make sense to me because it looks like a conventional subdivision and therefore now you can have a private road because you are calling it a conservation subdivision? I have a real problem with even entertaining an application for a road that got put in that has a 33% slope on it. I drove up that road and I didn't think I was going to make it up. Again, it doesn't look like a conservation subdivision to me with a maximum slope of 12%, and why would this Board entertain an application for further development when that road is not done correctly now. Believe me, that was a mess when that road went in. I was here, I took a lot of calls, and the drainage downhill is a mess. I believe, my memory serves me correctly, I don't believe the entry to the road has been done per the highway work permit, I think part of it was supposed to be paved. I just don't understand how you can entertain an application at this point without concentrating on that road. I have another problem with this site plan. I guess you are going to label it lot 11 . I have never heard of a residual lot ever. It is just another lot that is part of the subdivision.

Chm. Tucker: We understand.

Debbie Williams: Okay. I read all through your minutes and I don't know if the applicant understands. We are going to have a private road, who is going to maintain it, as it is already an issue now. Are we considering the existing structures now that are already up there and protecting their views or are we just worried about the proposed lot sites you are going to building them lower so they all have a view. .Are we taking into consideration all of the lots being developed.

Chm. Tucker: It has been part of the Board's discussion, Debbie.

Debbie Williams: Again, it is not a conservation subdivision and sure does not look like one to me and they shouldn't be allowed a private road. The slopes are a real issue, have you got a letter from the fire department? Will they be able even to get up there, I don't see how they could. Those are my concerns.

Chm. Tucker: Thank you Debbie. Anyone else?

Chuck Woodruff, 2875 East Lake Road, directly across from the Hidden Estates driveway. Am I allowed to plug in the computer to show the situation that I am experiencing?

Clk. Barkdull: We can connect it.

Chm. Tucker: Is there anyone else who would like to make comments while he is setting up?

Susan Nangle, East Lake Road, I have a question, we purchased lot two, six acres. We were told that we could not subdivide it. Can we subdivide it now if this goes through? We were told six acres was the minimum and that it would always be that when the first approval was made. The building lot for lot one was to the right of lot two, and that was the only building lot that was going to be allowed. Can we in the future divide our land?

Chm. Tucker: As of right now, I believe not until the road gets improved.

Mr. Molnar: A conservation density subdivision road by code permits up to twelve driveways up to it. There can be more lots in a conservation subdivision but where the road serves as many lots, it is limited to twelve.

Susan Nangle: As it stands right now the four lots counting the Goldmanns, is it a conservation?

Chm. Tucker: No.

Mbr. Winkelman: That's a shared driveway. You've maxed out on the shared driveway with four lots. That's what it was, they are looking to upgrade to a conservation subdivision and put in a conservation subdivision road which is smaller in specs than a conventional road. In order to get more and more houses up there they would need to build a conventional road.

Chuck Woodruff: This is typical after a rainstorm. (Mr. Woodruff showed a video of stormwater erosion occurring on this property). On the side of my house is a culvert

Mr. Camp: Sir, do you live in the pink house?

Chuck Woodruff: Yes, this will give you an idea after a light rain, you can imagine what it is after a downpour. This is all crud that is running downhill, down that driveway and directly into the lake. This is my drinking water., it's delicious. This is a different day, different rainstorm, same effect. I have taken short clips of this, I think you get the idea. I think this is outrageous to be allowed to happen. Again, this is the culvert right next to the driveway; obviously not everything is going into a culvert. It is draining directly down the hill, down the driveway, partly on the Pajak's property. Again, not channeled into a retention pond or any kind of diversion

pond. Right next to East Lake Road, no control right into the culvert and directly into the lake. What is the purpose of this pond, can somebody tell me because it is not a pond it's another ditch that allows water to go directly in and directly out. There's no stopping it, there's no retention. This is just typical of what is going on up there. Raw dirt left uncovered out in the open during a rainstorm, allowed to just wash away on to my property, through my property and into the lake.

Debbie Williams: Chocolate milk. I'm sorry what is the date of these videos.

Chuck Woodruff: These were started to be taken in 2013. The first one you saw was 2013. The second one was 2014.

Debbie Williams: Prior to when the drainage was supposed to be going to a southern culvert.

Chuck Woodruff: I will show you something from today. Please, you can try and sugar coat this.

Debbie Williams: I don't want to sugar coat anything. I was curious myself because I know how bad it was.

Chuck Woodruff: I want somebody from - -You people to come down during a rainstorm and see what is going on.

Chm. Tucker I have. We have been there.

Chuck Woodruff: this is the ditch, this is the culvert prior to development. This is when we bought the property. You'll notice that basically there isn't any culvert because there wasn't any drainage issue. Now right after this is the ditch today. Again, this was taken last summer. Completely washed out.

Debbie Williams: That would be after they allegedly fixed the drainage.

Chuck Woodruff: Okay, let me fast forward because this seems to be an issue. This was taken today. I can only imagine what - - this happened between the last times I was up here two weeks ago and in the meantime, this whole areas was washed out. There is about a foot and a half of my yard gone. I can't get my lawn mower, I can't get anything around that anymore. There used to be plenty of room to get around that. So somewhere in the last two weeks, this is two weeks. This is what has been going on. The water has obviously gone up onto my property. It comes through the culvert so hard, so unrestrained that it has come up onto my property and can't even be contained in the ditch. It has completely washed that out. Justin Marchuska's house is on the other side of that. Can you imagine that force that this took coming down in that fixed culvert. Hardly fixed.

Mbr. Winkelman: So that culvert, is that the north one of the south one?

Chuck Woodruff: That's the north.

Debbie Williams: This is the same one that has been going through right from the beginning.

Chuck Woodruff: This is the same one going through completely uncovering the roots of these trees, leaving garbage, very nice. This is far it has washed down debris. Coming out of that culvert, you know the force that would have to come out to get that debris down there. Again, damage to my yard and here's the, that's beautiful isn't it? That's my little piece of lake heaven. I want to show you how this is not contained. This is the culvert running down the driveway next to the Hidden Estates. Now this culvert takes a sharp turn and goes down to where it was fixed. What's happened here is that this turn is too sharp, it can't contain the water, it's gone over this ditch, out of the ditch, in fact on its own new path right down into the culvert and directly into there. It comes directly across the street. Now, that's not fixed. I defy anyone to tell me that this is a result of the development across the street, that Hidden Estates isn't responsible for this. When you walk into this lake, you sink up to your shins in muck. When we bought the property, pristine. My family has owned property on this lake for 60 years. I am familiar with this lake, I know this lake. There is nothing like this on the lake. I can't believe this was allowed to happen. I can't believe there was no oversight. I can't believe that you can just flaunt the rules and regulations and do whatever you want. This is the result and no one takes the responsibility, and no one is willing to fix it. No one is willing to set up and say this can't happen. I don't understand how you can even, like Debbie said, how you can entertain an application without addressing some of these things. I don't know how you can entertain an application without making sure that these things are fixed. These things need to be fixed first, that lake is ruined, my property is ruined. My quality of lake, my water quality is ruined.

Chm. Tucker: This was brought up at our last meeting last week.

Chuck Woodruff: Have you really seen this?

Chm. Tucker: I live near there, I come up every time.

Mbr. Southern: Yes.

Chuck Woodruff: And you allow this thing.

Mbr. Winkelman: There are multiple sources too. This dumps from the thing but there was quite a bit of water coming from over here too.

Chuck Woodruff: Come on. Believe me it's coming from - -I know where it is coming from, we all know where it is coming from. I did read in the minutes that someone was trying to blame this on the Pajak's property. Here you can look at this, where's all that coming from. What's going in there. What is that doing, nothing. There are no controls on this, this is just plain mud coming down the hill. You can't tell me that this is coming from the Pajak's property. That's not. You can say what you want but I followed it, I followed the water as far as I can follow it and it's all coming down. You know, they basically clear-cut that hillside before there was any pond in there, the pond didn't get put in there until I raised a stink. That was just bulldozed, the hillside was clear-cut, there was no ditches, there was nothing and that's the result. Half a foot of muck in front of my property. You can't go in there, the kids come out of the water with a film on them. That's Skaneateles Lake? You can't allow this, you just can't allow this to happen. You can't allow anything to continue without remediation of that lake. That lakefront is a disaster, it is an embarrassment. Who's protecting Skaneateles Lake.

Chm. Tucker: Thank you. Is there anyone else that would like to speak?

Debbie Williams: I was just curious when the Planning Board approved the first subdivision, there's quite a bit of detail in the code about responsibility for downstream drainage, was there a detailed analysis done? I know it was a minor subdivision, it called for a detail so we don't have this type of problem.

Chm. Tucker: Debbie, I'm not an expert on this but we rely on the engineers, and that has been a concern on this project. We haven't really moved forward, if people think we are moving forward, we are trying to address stuff.

Debbie Williams: I have a real concern, I've had a concern since the - - okay it's not a road, I misspoke, it is considered a driveway. It's just terminology. They just asking to now have all these extra lots on it and we have a road that can't handle what's there now. There were drainage issues before there were any buildings up there. I'm having a hard time understanding how we got to this point here, where we are looking at a proposal and doing a conservation analysis. I really think you are putting the cart before the horse. This becomes a remediation issue. I would ask the Board to go back and look at what you approved originally when the Goldmanns built their house, and has all that been complied with. As I recall there has been some DOT issues with the highway work permit that didn't get done and it's still not paved on that portion of it. I'm not saying that it is the solution, this is an example that the applicant does not do what he says he is going to do. That is my observation and my experience.

Justin Marchuska: I just want to mention about what Debbie said, I did actually pay some funds for the paving of that area and never saw anything there.

Mbr. Estes: Excuse me, you said you paid funds as part of an application or to the developer.

Justin Marchuska: To the developer.

Mr. Eggleston: To the Goldmanns.

Chm. Tucker: Who did you pay it to?

Justin Marchuska: I would have to look back to see who the check went to but I know specifically it was for the paving.

Chm. Tucker: It would be interesting to find out who you paid it to.

Justin Marchuska: I will find out and get back to the Board on that.

Mbr. Winkelman: What part of the driveway was supposed to be paved.

Justin Marchuska: Debbie would know better than me, I think it was the first so many feet.

Debbie Williams: I believe it was the parking area and a little bit past that. I am trying to do it from memory. That was a last minute call to Karen and she was really busy today. I can come in and take a look at the files. I believe there was an Eggleston detail that went with the highway

work permit if I am remembering it correctly, but obviously it has not been done. If it was on the approved site plan then it should have been done that was approved in 2006.

Mbr. Estes: There was also drainage issues contingent on this was up last year with the Nangle property. Nothing else was to be done until the drainage issues were done, that was part of the conditions of that application.

Susan Nangle: My questions is for the engineer, he made us go through three months of meetings. We have two very large rain ponds as do the Weavers, there is nothing in those rain ponds. They are not collecting anything at this point. You can see where the drainage crosses the road. Is it the engineer's responsibility that we paid our taxes to tell us what to do to make it right? Where are we now? I don't want to move into my house and not have a fire truck accessible. If we had a rain like last Monday night there is no way a fire or any other truck would get up that road, that's my big concern. How can you even look at another application for further development when this one is so wrong. We were told six acres minimum and that nothing would ever be in front of us. I know you don't get your view unless you buy in front of you, but we also take peoples word for it. Unfortunately we got the low end of the straw. That is not my concern, my concern right now is emergency vehicles today.

Chuck Woodruff: My concern is that Debbie has brought up some issues who makes the determination about whether this is a conservation, and we checked with the fire department and nobody has an answer for this. I am wondering where this goes, or are we just keep moving it along, just ignore it and move onto the next step. I really think this has to stop, this process has to stop until things are answered. Not move forward, not have another meeting. It can't progress, it can't progress until these issues right in front of you are addressed. Where's Onondaga Water in this? Onondaga Health? Somebody has got to be concerned about the crap that is flowing into this lake from this.

Chm. Tucker: I believe that the letters in the file said they didn't have any problem with it or anything else, if you go back in the files.

Chuck Woodruff: They didn't have any problem with it based on what.

Chm. Tucker: I am just saying we go by what we get advised by the City on these projects, the highway department - -

Chuck Woodruff: We need names, who to contact, what division to contact.

Chm. Tucker: Rich Abbott.

Chuck Woodruff: He needs to see these things. People are looking at a piece of paper or listening to a developer skew their you know - - whatever their - - . They're not seeing what's going on. I defy anyone who comes there during a rain storm and sees that muck going into the lake say that yup, that's acceptable, that's fine, we don't - - Rich Abbott, I got it.

Alan Paul: I am an attorney from Binghamton New York representing Justin who is here today. I am the Town attorney in three different Towns in the Binghamton area and whenever we look at a subdivision, a regular subdivision where you are looking at a road that will be dedicated and

accepted by the Town, we always look at the safety issues that they are raising here. You've got to be able to have that road designed so that fire, police, ambulance. The other thing that people should talk about is school buses. How in the world would a school bus get up there and we are looking at it this time of year on the steepness of that road, the narrowness of that road, even the way it is currently configured and built, I agree with whoever said there would be no way that any kind of fire or ambulance would be able to serve what is there right now. If you added all of the other lots that they want, it's going to be just an impossible task. The other thing that we look at which I know you do because you're the Planning Board, you look at it all of the time, but when these roads are accepted as a true subdivision, it is the Town now that has the maintenance responsibility. The Towns do what the Towns do, which they are a crew that goes out and take care of it whether it is good weather, bad weather, whether it is ice, snow flooding. What they're talking about here is a private driveway, incredibly steep, not designed with the right runoff. In the best time of the year, May, June, how in the world is this ever going to work as a private driveway for what they are proposing. I don't know this woman here but she makes a good point that it seems like we should stop, decide whether this private driveway concept is really something that fits with the code. Is it something that is really going to work before you get to the myriad of other issues that are up there. They are going to be disturbing more land up there than what we see just with the runoff we see that Chuck has shown in the videos. It's going to be ten times worse once they develop up in there with whatever they're going to do. I am new to the issue but I tend to think it's a good point to stop. Can it really be done, We always in our Towns, and I am sure you get the same thing from developers, don't make me spend money on engineering, legal and everything else if the concept isn't really going to work. That's true of the community here as well as the developer. Maybe it should all stop at this point and get an answer to those questions.

Debbie Williams: I just have another comment as I am listening. I looked up the HYS fire code, they don't want the road to exceed 10% slope. That's in NYS fire code minimum specifications for access codes for emergency vehicles. They have all kinds of minimum specs in here and I'm, not sure that's been met. We do have a local zoning code but you also have to comply with New York State fire and building code, and I don't see how it is even close as it is right now. You've got two structures up there and I couldn't believe how difficult it was to get up there today, and that's with no snow.

Molly Elliott: Is Buffs Bluff private, what kind of road is that?

Chm. Tucker: That wouldn't meet code nowadays.

Molly Elliott: I'm just curious because I had to show that recently and that's a tough one.

Debbie William: They are looking at calling it a conservation subdivision so they don't have to put in a road to Town specs.

Aaron Paul: I understand, but you still got to look at protecting the residents to get up there and you have to look at the community here. It is the same analysis, only that's a driveway never even coming close to the specifications - -

Debbie Williams: And then you have the drainage on top of that, look at the video.

Chm. Tucker: Debbie we were looking at the code. You were the codes enforcement - -

Debbie Williams: Believe me, I know, that one was not easy at all.

Chm. Tucker: I know.

Eva Pajak: I have a letter here I am going to read from Terri and Paul Goldmann. They were not able to be here tonight because their son is playing in the nationals, baseball games. We are Paul and Terri Goldmann, we own live and raise a family at the property located at 2886 East Lake Road and would like to voice our concern regarding the future development behind our home. We bought our lot in 2010 for many reasons including but not limited to the view of the lake and the privacy of the lot. The lot did come with some conditions that did not make us happy but we thought we would overcome these obstacles and count on the positives of the lot. The first concern was the shared driveway with three homes. When we were home shopping in Skaneateles, we looked at our lot, it was part of the large parcel now in question. We were told that there would be more subdivisions of the remaining acreage to add more homes. That was something we were going to deal with. Seeing it was only three more families using our driveway, now we are talking about nine families. As stated, one of the reasons for our purchase was the privacy of the lot. Even with three more homes on the top of the hill, there was enough space so that no home would be looking into our backyard. The new proposed plan has at least two homes into the hill behind our home. The two new homes would be looking directly into our backyard and our windows. Mr. Spear insisted that our purchase was for the view, but if that were so there were other lots that were less expensive but neighbors were on top of you that we could have purchased. Our biggest concern is the water that comes from the top of the hill due to the clearing and the damage that it causes. To wit, we have lost a tree and our driveway has been washed away. With only two homes now in place and the problems not addressed our concern is for more water, more damage and those problems not being addressed when new development starts. The continued work has necessitated the removal of trees and brush. Downed trees, silt fences and gathered brush continue to surround our property making the area unsightly. It seems that Mr. Spear ignores the mess that he starts, moves on without regards to the bigger picture and how it affects those concerned. You can surely see this by his lack of concern for the ground adjoined to our driveway. She did enclose photos. The lack of upkeep makes the area unsightly for three seasons of the year. Our desire is not to harm Mr. Spear's ability to make a living, but for our own home to maintain its value. I don't believe this is possible by destroying all of the positive reasons our lot was purchased. Those positive reasons were highlighted by Mr. Spear during the purchase price negotiations. Please don't let our absence from this meeting infer that we do not share in the interest in our community as we continue to support our children in high school activities. I will bring these pictures up. I took these today and she had some but wasn't able to get them. This is leading into the retention pond and you can see how much shale and how much of the stone is washed away there.

Chm. Tucker: I went out Tuesday and looked at that.

Eva, Pajak: This is the driveway that is all washed out and this third one is the one she was talking about, the grass, the unsightly, this is down by the road where the grass is kind of waist high.

Mbr. Winkelman: When was her driveway washed out?

Eva Pajak: these pictures were taken in the last couple of days.

Chm. Tucker Monday, that Monday rainstorm washed away everything.

Mr. Molnar: May I have a copy of that letter as well?

Eva Pajak: You are welcome to this. She brought it to my house. I asked for it and you are welcome to have that copy.

Chuck Woodruff: Can I present my wife's arts and crafts also since we are showing pictures. This is when we purchased the property. Completely clear. All of these are before development and as soon as development started this is now. Algae is growing because it has a place to start, it has a place to take root. This is what the bottom looks like now compared to that. I mean it's just outrageous. Does the Board have any stand on remediation? Are you afraid to take a stand or make it a stipulation, are there legal stipulations? I mean what it is because I just can't believe that a project that does so much damage. Even mention silt fences, silt fences are a joke. The silt fences, water is flowing underneath the silt fences, they do nothing. All of those supposed safeguards are ignored and overlooked and not followed up on, the procedures aren't being followed. I don't know who is supposed to be the watchdog for that. It continues to go on without anybody raising a stink except for tonight and we keep moving forward. I'm going to have to find some legal recourse to have remediation done. I didn't buy a property with half of foot of silt in front of it. Somebody has to take responsibility.

Chm. Tucker: Scott on the legal side for the Town.

Mr. Molnar: In general terms, yes, the Town and the Planning Board are reliant on the engineering submitted by the applicant and the accuracy of the engineering to capture, control and otherwise manage the stormwater that is leaving the property. To the extent that the Planning Board agrees with and approves a plan, such as any prior subdivision, it's with certain conditions. What I am hearing is that there is a challenge of the prior conditions concerning the roadway, the paving and other aspects are not complete and were never completed previously. That is one aspect of the analysis. Current conditions, codes enforcement, what if anything that can be done, whether or not the City of Syracuse would like to, Rich Abbott would also like to investigate whether or not the activities are leading to or having detrimental effects to the lake as your video shows. That needs to be addressed as well. Right now for present purposes, once an application is complete and the Board has approved the based upon engineering that was reputedly accurate, now there is a defect. That application is complete. The Town has its code enforcement opportunities but perhaps also the landowners have rights in connection with other landowners. I don't know if the Town will weigh in on any of those issues. To the extent this new application is going to treat and otherwise address some of the concerns, that's an opportunity for the Planning Board to take into consideration that there will be remedial measures employed in the new subdivision. I believe that is an accurate statement of where the applicant has been and where we are moving now with the application, which you know is in its preliminary stages. As Allan mentioned, we have to consider other very important and significant factors, the road and its engineering, the ability of the road to withstand and maintain emergency access, access for the individuals who will reside up there etc. This is a road like many others in recent history in Skaneateles and it will be completed according to engineering as

approved plans based upon credible data presented by the applicant. It's everyone's hope and a condition that it be maintained in that fashion. If it fails then it needs to be addressed, but this road could be offered to the Town for dedication but I suspect that it would be declined. The Town has not taken by dedication any road in the recent history nor are they inclined to do so. If a subdivision is going in and there are several currently in the works with respect to designing roads, those roads are going to be considered private road either to be maintained by a homeowner's association or the applicant or sponsor of the subdivision. Asking the Planning Board to address remedial measures and imposing conditions upon the applicant now in connection with the application before the Board is questionable because the applicant has the right to withdraw the application and then therefore any conditions for remediation may or may not come to fruition. Everyone raises important drainage issues which need to be addressed.

Mbr. Winkelman: Scott, on the original development, they had to have a NYSDEC SPEDES permit, didn't they? It seems like this discharge is not working. It seems like it would be in violation of the original SPEDES permit.

Mr. Camp: The intent of the original design is to have water to sheet off the road to the ditch on the uphill side then enter into the treatment facility and that is clearly not happening.

Mbr. Estes: To answer your other question, then another source for remediation would be to go to the DEC and bypass the Town if you feel there is something going into the lake, the DEC has an avenue.

Chuck Woodruff: A would like the name of a helpful person at the DEC. We did call the DEC and they came out and said that there was nothing they could do because it is not raining right at the moment so it is not happening and by the way to you have a permit for that swim raft because maybe we will cite you. That was very helpful too.

Chm. Tucker: I was out there when the DEC was out one time and they felt that the project was fine. I know what you are saying but they said it was fine. I have had some concerns with it for a long time.

Mbr. Southern: We have them on here from a year ago and they look worse than what you are showing us.

Chuck Woodruff: That's what I am saying to everybody. You are going forward with this application and there are measures that we trust will be followed and if not then we will address it. That's on the new application, what about the old thing where it is obviously not working, things are not followed now let's address it. If that is the process we are going to do these things and let him go forward, we are going to hope that they follow the rules and if they're not going to work we are going to address it. But now we are addressing it, let's address it because it is not working.

Chm. Tucker I don't know if we have the power, do we?

Mr. Molnar: You could take it to codes compliance.

Debbie Williams: I don't understand, there are provisions in our code under site plan approval, major site plan approval?

Mbr. Southern No.

Mr. Brodsky: minor subdivision with the driveway and three lots.

Debbie Williams: there is enforcement in here and it does go through the codes office. If they didn't build the road per the approved plan, you have enforcement of that. If he withdraws his application tomorrow, are you going to leave it the way it is with two structures up there and emergency vehicles probably can't get to?

Chm. Tucker: Basically, you have to go through the codes enforcement office and you have to be cited, you've gone through the process and you have to go to court.

Debbie Williams: I know that, I know how it works. I would be doing it but I'm not here anymore

Susan Nangle: So we go to Todd? Is that the next step?

Debbie Williams: Todd is codes enforcement. They have a part time codes enforcement officer here for a full time job.

Susan Nangle: So in other words, all you go through to get a permit, you don't do what you say you are going to do its okay.

Debbie Williams: It's not okay.

Susan Nangle: Who enforces it. Say we build outside our envelope,.

Debbie Williams: The codes enforcement officer, it always comes down to the codes enforcement officer who's got his hands full doing a full time job in a part time schedule. That's not his fault. That is a Town Board issue.

Susan Nangle: I showed Mary Sennett my pictures. She was unaware of it.

Debbie Williams: They are the elected officials and they think everything is fine unless you tell them.

Susan Nangle: These pictures were taken last Tuesday morning after two inches of rain, after Mr. Brillo fixed the road so that he could get up to our site. These pictures were taken after he fixed the road. It is about the third time he has fixed the road to get up there in the last two months.

Chm. Tucker: That's why I visited the site, I saw how it was washed out.

Debbie Williams: regardless of the lot sizes, we are right back to square one, it is not a conservation subdivision. It has a road that has a 33% slope and you are only allowed 12% and NYS code asks for 10%.

Mbr. Winkelman: They're looking to make it 12%.

Debbie Williams: So we are going to allow a private road to serve twelve lots.

Mbr. Southern: It's not going to be a private road. It's a conservation road. A private road comes with a different set of standards.

Debbie Williams: There are some very important specs that the road has to meet in terms of maintenance, ongoing maintenance, homeowner's association, I mean that's down the road. It's also pre-mature right now.

Mbr. Southern: we've got to get there first.

Justin Marchuska: I understand that maybe it becomes a code issue, but my understanding is, being from Binghamton we have to provide an entire development at the initial inception of it because it prevents something like this that is piecemeal, although historically you would go back to address another item. What is done there already is the foundation for the rest of the project. I don't see how this Board can just avoid looking at what has already been done. Because it wasn't done initially as one application with all of these additional building lots, I think the Board has to look at the foundation and the infrastructure that's been done already. If that's failing that like building a Town on the other side of the tunnel that leaks. You've got to have all of the infrastructure in place. Not to mention that I have an easement that is on my property, I have a small dog and Caroline is thinking of opening up a concession stand for all of the people that will be coming down to use the easement. When I bought my property I have the understanding that there would be 3-4 additional lots. If I knew, with the amount of money I have invested in my property, what is going on now I would have never built a home on this lake. To top that off I had a one-foot discrepancy with my neighbor, Allen, the Board wouldn't let me build until that discrepancy was handled. Although it was definitely stressful for me, I can appreciate that, and this is a much larger issue. Being a developer myself they wouldn't allow me to build something like that in my area and that isn't even in a watershed. This is much more of a monumental issue and I can't see how it would happen.

Chm. Tucker: It is the same way I have heard of a number of you tonight saying that you were told certain things were going to happen and that's the way it came to us. We allowed what that was at that time and now we are coming back with something else. We had trust and you had trust and you see what happened.

Justin Marchuska: I think you have to look at it and re-open the whole file as the lot entirely as one. To me as a developer it's great if I can come back as piecemeal because it is good for me as a developer because I am able to save money on the infrastructure at the time. You really have to look at it as the larger - -

Chm. Tucker: That's where we are at. The Board is looking at the whole project, what has been done in the past, everything.

Justin Marchuska: Stormwater management. Ponds. I have never been allowed to build a thing. Even when I had one small project in Johnson City, just one building, they said no. The whole project had to be looked as one and I was forced to build for the entire property at that time. They wanted to have their plan and that was how it worked.

Chm. Tucker: Yes

Susan Nangle: When we purchased our lot we were told that the Town only approved that whole parcel of 99 acres for four lots. Six-acre minimum, ours and the Weavers, and the Goldmanns I think area eight, and then the remaining eighty would only have a building lot that was specified and shown to us before we purchased. Now at the last meeting it was 49 acres that they are doing, so what is the other? Are they going to do another 10-12 in a couple of years? Why isn't it, like Justin said, a whole project for 99 acres. That was our understanding, we never would have purchased, we wanted privacy just like Mrs. Goldmann. We wanted a view of the lake. I would like to ask Mr. Eggleston, with your plan up there, how have you provided us with the same view we have today.

Chm. Tucker: I don't think we want to get into that. I know what you are saying.

Susan Nangle: It's just a thought. I know those houses are being placed a certain way so everyone has a view, what about ours?

David Nangle: 3825 East Street, in that same vein, I don't' disparage Mr. Spear for trying to make money on this. I would do the same thing. I find it amazing that it so happens that his prime lot that the low conservation has the best views on the lot, that's a nice coincidence. Of course, that whole hill is shale, remember that. Again I don't want to disparage him, he can do that but I hope he recognizes that I also have a right. I've made an investment and if he starts popping houses in front of my investment my value goes down. I don't have anywhere near the issues these people have down below and I understand when I see Mr. Woodruff' pictures and everything I could imagine how his heart gets torn to see his yard getting wiped away with water. It's just not right. I am the proud father of three daughters. My oldest daughter always brought home the problem boyfriend. One night she's crying, somethings happened, and I said to her sweetheart, if somebody knocked on the door and you opened the door and they punched you in the face, how many times would you open the door. I'm telling you people right now, how many times are you opening the door.

Dan Pajak: 2896 East Lake Road, I am going to reference a letter that I am going to submit to you with several photographs that have been taken over the last two years on several different locations that represent the runoff taken place. My family and I have resided at 2896 East Lake Road for the last fifteen years. Prior to the clear cutting that has taken place to develop Emerald Estates/Hidden Estates, I not what it is now.

Chm. Tucker: It's Hidden Estates now.

Eva, Pajak: The letter that came to us is Emerald - -

Dan Pajak: So we will go with Hidden Estates for the purpose of this thing. We have never experienced massive runoff as currently flowing on our property and through our property. I challenge anybody to look through records or minutes that would suggest otherwise prior to this development. How it has become our issue is beyond me. There is no record of proof to suggest that, although I can provide plenty of proof that suggests otherwise. Since the extensive deforestation of the forestland above our property and construction of the access road, the excessive water damage and drainage is undermining the foundation of our barns, causing settling of the historic structures. In addition to the landscaping that we have spent years and thousands of dollars to enhance our surroundings is continually being taxed resulting in the erosion of plant beds and the loss of the plant stock. I will also add that our septic system is taking quite a beating and I am paying Brillo quite a bit to keep up with it. With all due respect to the engineers that designed the runoff containing system and the excavators that constructed it two years ago, as of the last rainstorm May 19, 2015, simply put it doesn't work.! Enclosed you will find dated photographs that will clearly demonstrate the damaging effects this development has had, resulting water flow that has affected our residential property down stream from Hidden Estates. When the cause and effect was clearly shown to the developer of Hidden Estates, Don Spear, he failed to take responsibility and pointed un-substantiated blame elsewhere. Why are we now faced with incurring significant cost to construct additional drainage channels to defend and protect our land and buildings when there was never an issue prior to this development. Why are we even entertaining this? Again, Dave brought up a good point, there is a tremendous amount of shale up there that is up on that hill. Has there ever been an environmental study to determine if the result of excavating and constructing on that shale, I don't know, I am not an engineer. As trusted leaders of this community, I trust that your intent to act in the best interests and welfare of the current taxpayers and citizens of Skaneateles, before you grant additional permits for further construction and growth. Just to paraphrase my last paragraph, as a long standing member of this community I oppose further development of Hidden Estates. Thank You.

Mbr. Estes: Can we have a copy of the letter.

Chuck Woodruff: I did go back - - Whatever drainage plans, whatever was built doesn't work. It's not working. So how can we go forward with anything before we fix what is already there, what process do we have to follow, how do we make what's there work. What's our recourse as taxpaying landowners, what our recourse to protect our properties? How can we get this stuff to work. Where do we go? Do we have to go into litigation? I'm just trying to find out. If there is a normal channels to go through, if there is a process to follow that doesn't require litigation, that's fine, that's what I thought we were here for. But I don't hear any answers as far as fixing the situation as it stands today. What are we going to do. How do we fix it.

Mbr. Winkelman: How was the original system designed to work, John?

Chuck Woodruff: You saw the pictures, I showed you the - -

Mr. Camp: I made a statement a few moments ago that the original system was designed that the driveway was to be pitched to the uphill side of the road, the runoff was supposed to enter that ditch, and then directed to the stormwater management facility.

Mbr. Winkelman: What happens in the stormwater management facility, it seems like an open grate to me. How does all that mud get out of there, is it just to retain the water or - -

Mr. Camp: I don't recall the exact specifications of the design, but the applicant designed it to meet the requirements of the DEC stormwater management for the State and the design met the requirement. I can't say for sure if the construction met the intent of the design. The construction of the road clearly did not, but the design did.

Mbr. Winkelman: Has the stormwater designs been updated since then by the State, didn't they just come out with a 2010.

Mr. Camp: In small ways, the overall intent, save a few details, is still the same.

Mbr. Winkelman: So it's not a treatment area but more of a retention area.

Mr. Camp: It is intended to be an overall quality and quantity area.

Chuck Woodruff: It retains nothing by the way.

Mbr. Southern: We are very aware of what you are saying. It is not falling on deaf ears.

Chuck Woodruff: Okay, but what do we do.

Mbr. Southern: Go to codes enforcement, number one. See some satisfaction through the Town through codes enforcement. If you feel that they are in violation of what they said they were going to do then go to codes, that's number one. If you don't get any place there, then you're probably going to have to take legal action. We are very aware of what is happening and are looking very closely at this problem, especially the drainage with the mud. If you had been at our last meeting, last week, you would have heard some very straight talk I want this cleaned up before anything else is done.

Mbr. Estes: We also made that very clear, I thought when we did Nangles. Raised a lot of concerns when the Nangles put their property up there and we have two big rain gardens that we got a lot of design for but now I hear are not working. Part of that was it would be leverage that there will be nothing else done until that system was working. That was clearly in the minutes that was one of our concerns. That nothing else be done up there until we saw that working. That was part of the Nangles approval so we - -

Mbr. Southern: We haven't issued any permit. We've seen a lot of design changes, there have been a lot of major design changes for the existing road, reducing the road to no greater than 12%.

Debbie Williams: Only because of this application.

Mbr. Southern: Whatever., it doesn't matter why. That's what is being put in front of us now. We are going to insist that it works.

Chuck Woodruff: What about the existing.

Mbr. Southern: Under existing conditions, they proposed a plan, they met the stipulations of the plan at the time for what we were aware of,

Chuck Woodruff: They didn't follow it.

Chm. Tucker: That's code enforcement.

Mbr. Southern: You need to call him on it.

Mbr. Winkelman: The last meeting I also had expressed concern that there was an incredible amount of engineering involved with this challenging site and as the existing conditions proves sometimes the engineering is not up to the challenges of Mother Nature.

Mr. Camp: Come on Scott, engineering is part of it, building is the other part of it. You can't blame it on engineering.

Mbr. Winkelman: Well, but that's human nature not to build it the right way. Should we be doing this challenging stuff in the watershed.

Mr. Camp: You can't blame the engineers, that's another question but please be careful about blaming engineering because that's off base to be completely straight.

Mbr. Winkelman: I'm sorry.

Susan Nangle: How is this major development favoring the people of Skaneateles. The land right now is assessed at \$261,000, how is this overall big development really favoring the watershed, the cleanliness of our lake. Who is it benefitting, one person. Do you look at that when you approve something, is it for the general benefit of the public.

Mbr. Winkelman: General, with a conservation subdivision, there is a significant amount of land that is of high conservation value that is set aside. It is not in two acre zoning thing but there should be a lot of extra land that is set aside that goes undeveloped and stays natural and so supposed to enhance the water quality and things. It's up to us to do the conservation analysis on this whole project to make sure that that is part of the conservation subdivision.

Debbie Williams: If it is one, I don't understand how it is a conservation subdivision.

Mbr. Winkelman: That was the thing too, the six-acre minimum lot per average, they have just met the minimum. That extra lot is a lot of extra land.

Mbr. Southern: That would be preserved.

Debbie Williams: I see an issue in the code in the wording of the code - -

Mbr. Estes: I made a note of that. It will be interesting to note that and look at where the commas are, because you're right, the word average depending on where it is and the intent is.

Debbie Williams: You can interpret it however you want to interpret it. It is up to you to interpret it the way you feel it should be interpreted. I look at that and it doesn't meet, in my mind, it doesn't meet that requirement. You can insist that it be an open space subdivision if you really wanted, but I am not saying that that is the answer for this site because it probably shouldn't of been developed in the first place for how steep it is.

Mbr. Southern: It is a challenging site.

Debbie Williams: It is a mess.

Justin Marchuska: As a developer, like one gentleman said, you take these types of risks and engineering issues with properties like this. It is one thing to do an area that is not a watershed, it is another thing that it is happening in a watershed and sometimes - - I have my own projects, about a year and a half ago, I had my own project that I had \$250,000 on and I have not been able to build on it. Sometimes it just not feasible. You just have to say no unfortunately. You want to do what you can to help everyone out but sometimes it is just not feasible. Unfortunately, the topography of the property, there is a reason why it is assessed like it is. It may be because it doesn't have the topography that it doesn't have the value in building and trying to create something that it's not. Unfortunately, that's why the four lots were approved originally, and fortunately, there is a conservation easement to take advantage of some money's that can be had there. I am the first one to say that I have had to do it myself, I put a lot of money in and at the end of the day, and it doesn't happen I walk away. It's like playing the stock market, sometimes you buy the right ones and sometimes you don't. When you are playing the development, game there is a risk.

Chm. Tucker: Is there anyone else who would like to make comments. We are all set for this evening. We welcome all of your comments and we will look into all of these materials and will review the file on the property to see where things didn't go right. We try to do our best we appreciate everyone coming tonight and have a good evening.

Discussion

The Board will review the draft Comprehensive Plan at the June 23, 2015 meeting.

Attorney Advise Session

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

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

The Board returned at 9:30 pm.

WHEREFORE, a motion was made by Member Estes and seconded by Member

Winkelman to adjourn the meeting. The Board having been polled resulted in the unanimous affirmation of said motion.

Respectfully Submitted,

Karen Barkdull

Karen Barkdull, Clerk