

TOWN OF SKANEATELES PLANNING BOARD
SPECIAL MEETING MINUTES
July 24, 2018

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

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

FEIS- Major Subdivision

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

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

Present: Jeff Davis, Attorney

Mr. Davis began saying that as discussed with the board at the last meeting, the project has been substantially modified and no longer includes anything east of Route 41A. The 30-acre parcel to the west of Route 41A is the only parcel remaining for consideration of the proposed subdivision. The project has been reduced to four residential lots with the remaining portion of the lot of approximately 19 acres that will be the conservation lot. The existing agricultural barns will remain on the property, with one barn continued for use as storage, and the larger barn that currently houses a horse that may become a veterinary building for large animals in the future.

As part of the final environmental impact statement, (FEIS) responses have been included to the positive declaration as well as the public comments and letter. Many of the position declaration impacts have now become mute due to the modification of the project that does not include the east side of Route 41A. Visual impacts from and to the lake, the ravine, proximity to Brook Farm and development in steep slopes no longer apply to the revised submission. The only steep slopes that remain on the site are identified in the conservation analysis and they are not located in areas of development. The building envelopes were designed to be specifically out of any steep slope areas. Exhibit 29 has the responses to all public comments at both the public hearing and written submissions. A red line version was submitted to the board attorney to highlight the changes. The applicant would like to finalize the FEIS work through the finding and obtain board approval quickly as the applicant would like to begin development of lot four for their recently married daughter and new husband.

Member Winkelman commented that with four dwelling units the drive becomes a private driveway. Mr. Davis, agreed and added that it will also eliminate the need for a homeowners association as the private driveway can have a maintenance agreement in place. The barns will

be located on one lot and although the site plan reflects two septic fields, the northern septic field will be removed from the plan. Member Kasper inquired if the applicant is voluntarily placing land into conservation. Mr. Davis stated that it is an open space subdivision and the rest of the land would be placed into conservation. Counsel Molnar reminded the board that the conservation analysis still needs to be reviewed and accepted by the board and can be incorporated into subdivision approval; the conservation value land being offered by the applicant can be managed. Mr. Davis commented that the conservation land includes most of the wooded area and the wetlands. Member Winkelman commented that the upland wetlands that area important to the lake will be placed into conservation and that is a benefit for the lake. Mr. Davis stated that as development of the driveway will disturb more than one acre of land, the erosion control would be managed through a SWPPP. Member Winkelmann said that the proposal is not in conflict with the agriculture around there as the Greenfield farmland is surrounding the subdivision on three sides. Mr. Davis commented that the Greenfields farm right up to the tree line edge of woods on the west of property.

Counsel Molnar recommended that the board review the FEIS and discuss the high points. He continued saying that he has thoroughly reviewed the document and that it is largely accurate to the reconfigured final plan. There are some edits he is recommending as the document is the Planning Board's document that is prepared by the sponsor for review and approval by the Planning Board as an accurate document. The document should include language that the Planning Board agrees with and Counsel Molnar highlighted areas the required further discussion

At the end of the initial summary and a few places in the document, the applicant has proposed language that reads, "To mitigate the potential impacts of this proposed action, the sponsor incorporated revisions detailed in the FEIS at significant sacrifice to the original goals for the project (defined below)". Counsel Molnar suggested that "at significate sacrifice" be eliminated and replaced with "to adopt" where noted in the FEIS.

Under Description of Changes from SDEIS(page iii), the FEIS final design should indicate that the second bullet point be modified to include that the project is a 5 lot subdivision with 4 single family residential building lots. Mr. Davis suggested that the fifth lot be defined as the remaining lot with two barns and the conservation land. Chairman Southern commented that there should be some restriction that the lot with the barns does not become a residential lot in the future. Counsel Molnar commented that the proposed lots required site plan review for any changes or development.

The common driveway (page 2) does not need a waiver under §131-2(G)(12) which is a section of the code that manages a conservation road or any other road serving greater than four dwellings. A common driveway serves up to four dwellings, has no need for a homeowners association, and is not compulsory under the code. The need for a waiver should be stricken from the sections, and deleting the beginning of the sentence will clarify.

Exhibit 28 as prepared by the sponsor is a summary of all relevant comments, both verbal and written, and responses. In many instances the sponsor has provides a coherent set of responses that match the new plan. On page 2 of 47, response to Mr. Leigel' s comment. "The final design

significantly reduces or completely eliminates potential threats to the lake as a response.” The majority of the comments were leveled against the east side of the project, which has now been removed from the project. Counsel Molnar continued saying that the responses seem accurate and the board should be considered if the responses seem accurate and do not have objectionable language. The sponsor has five response packages used for the majority of the comments that were accurately done. Member Winkelman said that the comments prepared were fair and the conservation analysis that was submitted was relative to the whole project with the high conservation value on the east side over shining the west side. The west side did have some moderately high conservation value in the woods, with the wetland being more important. Counsel Molnar advised that the conservation analysis has not been completed by the board and will be done before any approval is ever achieved. It should be part of the findings and should be a condition for a future action retained by the board.

Page 16 or 47, the response to the Petition number 10 should be modified from four residential lots to a 5-lot subdivision with four single-family residential building lots. Mr. Davis stated that they would modify that response and any others where four residential lots are noted. The statement “ The Project complies with the Comprehensive Plan, zoning law and subdivision regulations” should be modified to read, “The Project ostensibly complies with the Comprehensive Plan, zoning law and subdivision regulations”. There is still review by the Planning Board that needs to occur to determine compliance.

Page 25 of 47 response to Torrisi and throughout the responses, the comment “The Final Design represents significant mitigation measures by the Project Sponsor to address or completely eliminate any perceived threats to the lake” should read, “The Final Design represents significant mitigation measures by the Project Sponsor to address or ostensibly eliminate any perceived threats to the lake”. This will be vetted as part of the subdivision approval process by the Planning Board. Mr. Camp suggested that the word mitigate be used instead of eliminate.

The Laura Barca email response is a discussion of applicable law and Counsel Molnar is in agreement with the response. The SDEIS was available on the sponsor’s website and available to the public in compliance with NYSDEC regulations. Mr. Davis said that the document was on their server and for internet security purposes it requested a name and email address; it provided full access. Counsel Molnar noted that it is a customary practice and does not impede full access to the documents.

Page 41 of 47 Comment 23 response, the second sentence will be removed.

Page 46 of 47, Comment 1, the final sentence in the response should include the word ostensibly instead of completely.

Mr. Davis stated that there were a couple of comments made mostly in the Langey statements. One was perhaps the project sponsor planted the trees so that someday they could give them back by cutting them down as a mitigation offer, We had responded that it doesn’t warrant a response and not relevant to the project. Similarly Mr. Langey said that these are just strawman plans so that the sponsor could get additional lots on the east meadows. Our response was that it does not

warrant a response. He comments that the property is not appropriate for single family residential development is a personal opinion that does not warrant a response in this FEIS.

Counsel Molnar stated that the board has until July 28, 2018 to determine if the FEIS is final together with the exhibits and publish, and there are some minor modification to the FEIS suggested tonight that the sponsor would incorporate into the FEIS. The applicant has already requested additional time and he recommended that the board extend until August 10, 2018 to manage the process accordingly and file by that date. No sooner than 10 days and no later than 30 days, the Planning Board must make their determination on SEQOR as well as the plat plan. A special meeting on August 28, 2018 could be scheduled for consideration of the findings and determination. Mr. Davis inquired if the board will be accepting the FEIS with the suggested revisions tonight. Counsel Molnar stated that the board could and recommended that the board consider that acceptance of the FEIS with the noted revisions tonight.

WHEREFORE, a motion was made by Chairman Southern and seconded by Member Hamlin to accept the submitted FEIS including exhibits with the revisions noted tonight as accurate for publication. The Board having been polled resulted in the unanimous affirmation of said motion.

Chairman Southern inquired if there was anyone in the audience who would like to make a comment. Holly Gregg, CPCS, stated that this is a good outcome for the development. He would like to personally thank the Greens for the development to evolve to this point with it being a good final resolution. Alan Methelis commented that he agrees with Holly and that this is a wonderful plan and hopes Tessa becomes a veterinarian.

WHEREFORE, a motion was made by Chairman Southern and seconded by Member Winkelman to schedule a special meeting on *Tuesday, August 28, 2018* beginning at *6:30 p.m.* The Board having been polled resulted in the unanimous affirmation of said motion.

As there will be upcoming legal services regarding the FEIS and additional engineering review, the escrow account will require additional funds from the applicant.

WHEREFORE a motion was made by Member Kasper and seconded by Member Hamlin that the applicant increases the escrow account in the amount of \$3,500. The Board having been polled resulted in the unanimous affirmance of said motion.

WHEREFORE, a motion was made by Chairman Southern and seconded by Member Winkelman to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 7:21 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk