

TOWN OF SKANEATELES PLANNING BOARD
MEETING MINUTES
April 22, 2014

Mark J. Tucker, Chairman
Elizabeth Estes -absent
Donald Kasper
Joseph Southern
Scott Winkelman
Scott Molnar, Legal Counsel
Doug Wickman, P.E. (C&S Engineers)
Howard Brodsky, Town Planner

Chairman Tucker opened the meeting at 7:30 p.m. and clarified that the meeting tonight will not be for public comment; however, letters can be directed to the Board expressing any concern or comment. He continued that there would be a public hearing before the final decision is rendered by the Board.

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; Patrick Heaton, EDR; Thomas Dussing, EDR; Benjamin Brazell, EDR; Matt Vredenburg, Project Consultant to EDR,

Mr. Dussing stated that the application has participated in thirteen meetings with the Planning Board with the latest revision dated November 20, 2013 representing the culmination of four years of work on the project. He continued stating that it is their desire to achieve a negative SEQR declaration tonight. Provided to the Board be the documentation for the engineering design discussed by Mr. Dussing; the SEQR EAF and analysis presented by Ben Brazell; and the Visual and Cultural Analysis for the SEQR determination presented by Pat Heaton.

The project plans have been completed and the plans meet the Town zoning code, Department of Health code, DEC code and the storm water plan has been reviewed by the Town Engineer. The SWPPP documents were submitted to the Town dated November 20, 2013.

Mr. Brazell stated that he oversees the environmental review at EDR for proposed projects with Part one of the EAF submitted last year, review of part one and two with the Board occurring in June 2013 where the Board developed a list of potential issues that needed further information. They have been updating the research to vet out any of the noted issues. The DEC had released new environmental forms in October 2013 with the DEC stating a policy that the new forms were to be used on new projects and that any outstanding application should be reviewed with the existing review forms.

Included in the EAF update provided is a supplemental analysis with impact discussion on the issues noted in June 2013. Also submitted are stand-alone studies, independent analyses, and correspondence from involved agencies. Attachment A contains the engineering and site plans for the project; Attachment B is the geo-technical analysis of the project impact to land; Attachment C is the wetland delineation of the project and impact to water; Attachment D contains the dust controls methods and the projects impact on air quality; Attachment E analysis for Threatened and Endangered Species and the projects impact on plants and animals; Attachment F contains the conservation analysis and the impact on plants and animals; Attachment G contains correspondence from NYSDOT regarding the project impact on traffic; Attachment H contains the visual impact analysis of the project and the impact on the aesthetics; and Attachment I is the cultural resources study and the projects impact on cultural resources.

Counsel Molnar commented since the time of the last meeting in July 2013 and review of the environmental form, what additional analyses were added and any source information was obtained should be discussed with the Board.

Mr. Brazell provided correspondence from the NYS Office of Parks, Recreation, and Historic Preservation dated April 8, 2014. Mr. Heaton stated that an archeological survey was performed in phase one with 474 shovel tests completed according to SHPPO guidelines. There were no Native American artifacts located on the parcels; farm artifacts were located on the west side of the parcels. The data was provided to the State Historic Preservation office and they have concluded that the site does not contain significant artifacts or resources to be classified as a historic site and the project does not have any effect on any historic site.

The USACE emailed correspondence dated April 22, 2014 confirming that Wetlands A/C and Stream I (Bentley Brook Class AA DEC protected) are Federal wetlands and regulated by their office. Wetlands B and D were classified as isolated and not connected to any major tributary, therefore not regulated by the USACE. Any impact to the isolated wetlands would not have any impact downstream with sedimentation or ecological impacts. The delineation is valid for a five-year period whereupon re-validation will need to occur. USACE had not commented on the Bentley Brook or any impacts on it.

Threatened and Endangered species database is maintained at the National Heritage Program (NHP at State level) and the Fish and Wildlife Service (Federal level). The NHP is site specific and requires a letter with map inquiring information. In their correspondence dated July 24, 2013, it was determined, that there are no endangered or protected species located on or near the site. The Fish and Wildlife Service employ an on-line database by County for determination of any endangered species, and there are five in the County. The American Heart's tongue fern requires specific habitat requirements, with the fern located at the Onondaga Escarpment, twelve miles north of the site and the staff botanist commented that the proposed site is not conducive to the habitat requirements of the fern.

The Indiana bat and the Northern long-eared bat are two protected species in Onondaga County with the Indiana bat hibernacula (winter shelter) located in Jamesville, New York, approximately 26 miles from the site. If the site is within 40 miles of the hibernacula and less than 900' in elevation, then an impact evaluation needs to be conducted. The northeastern portion of the site is 890' in elevation adjacent to the lake, with the remaining area of the parcel above 900' in elevation. The bats hibernate in caves and travel in the spring to roost in forests. To reduce the impact to the species, clearing of trees will occur during hibernation. The Northern long-eared bat has the same habitat requirements as the Indiana bat. Member Winkelman commented that

there are other bat species in the area. The bog turtle and the eastern Massasauga will not be impacted by the proposed development, as the site is not conducive to their preferred habitat.

NYSDOT correspondence from 2010 stated that they have no issues for the proposed location of access points into the subdivision.

Mr. Heaton stated that the visual impact analysis included visually sensitive resources within five miles of the project; and visually sensitive resources as defined by NYSDEC visual policy; and the local planning documents. Sites included were ones defined as having visual concerns, scenic byways, and high use public areas where the public could potentially view the project. The view-shed analyses conducted mapped the visual impact of the project based on topography and topography with forestation and vegetation to show where the project could be viewed and where it could be potential screened. Field reviews and photos were taken in July 2013 during peak public use and 57 different viewpoints were captured. Supplemental photographs were taken in April 2014 to obtain a representative capture of views during leaf off conditions.

Visual simulations were prepared from four sensitive viewpoints for the subdivision with existing conditions and with projected generic models of dwellings that could be constructed but are not specifically chosen for the sites. The illustration is not an accurate representation as it does not include landscaping, driveways, or accessory buildings that would be part of a site plan review, and the applicant is only seeking subdivision approval.

An independent landscape architect has reviewed the project and determined a visual contrast rating for the four viewpoints in relation of the community. The visibility of the project would be limited to the five-mile study area with the most visible views from Skaneateles Lake, the eastern shoreline directly across from the project, and the immediately adjacent properties. An overall moderate impact was determined in the contrast rating scale of ratings beginning with minimal, moderate, appreciable, and strong effect. The determination was based on the proposal being consistent with current land uses, with urban style residences similar in size and style as the existing neighborhood. From route 41A there is a higher impact due to the obstruction of views with two of the dwelling roofs obstructing view of the lake from the roadway, although the lake views are fleeting as the view is observed from an automobile going at speeds of 50 miles per hour. In regards to the Brook Farm (registered historical site) impact evaluation, there is no direct effect as the forest buffer will remain between the parcel and Brook Farm, and there are existing newer dwellings in the area that are dis-similar to Brook Farm. The New York State Office of Parks, Recreation, and Historic Preservations concurred with the visual assessment deeming that the project will have no adverse impact upon the cultural resources in or eligible for inclusion in the State and National Register of Historic places in their correspondence dated April 8, 2014.

Member Winkelman inquired why only two houses were chosen for the photograph and view assessment. Mr. Heaton stated that the standard is a 35mm view that is comparable to human vision and in that 35mm frame you can see two houses. A panoramic view was also taken that shows more than two houses. Landscape trees could potentially screen the view of a dwelling and could also screen the view of the lake. The site plan defines the building envelope and the model dwellings were shown with a 35' height from average grade for each lot to demonstrate the greatest potential screen of the lake for the analyses. Chairman Tucker inquired what the visual effect would be if the dwellings on the east side of the road were sited away from Route 41A and closer to the interior subdivision road. Mr. Heaton stated that obstruction of view to the lake would be reduced. Mr. Dussing stated that improved the view of the lake however would

cause the subdivision not to comply with coverage. Member Winkelman stated that the project might need to have fewer proposed dwelling lots on the east side of the proposed subdivision to improve the visibility of the lake and meet the open space regulations. Mr. Leja stated that the original design presented in 2010 did have the dwelling units located further down the slope, and that the Board recommended the current configuration. Chairman Tucker stated that the Board had requested that the proposed road be moved away from the steep slopes and did not request a change in dwelling location. Mr. Leja stated that as you move the road location further down you move the proposed building envelopes to a different location. The simulation pictures are showing the maximum impact scenario and may not necessarily be the reality. Chairman Tucker stated that there would be a visual impact on the east side of the lake looking west towards the project. Mr. Heaton reiterated that the visual analysis was also taken from the east side of the lake. Member Winkelman stated that the views from the public highway seem to be omitted for the analysis and that the views are mentioned in the Town's comprehensive plan. In addition, the land on the east side of the subdivision has high conservation value and is missed in the conservation analysis that was completed. Counsel Molnar inquired whether the conservation analysis has been amended or modified. Mr. Heaton stated that it has been and that the comprehensive plan does not identify this specific location as a recommended protected view. Mr. Dussing stated that the Town Comprehensive Plan does identify views from East Lake Road and that this location is not mentioned as there are many opportunities to view the lake from the west side of the lake.

Mr. Heaton stated that per the open space subdivision regulations, maximum density should not exceed one dwelling unit per two acres and that the proposed subdivision has 2.8 acres per dwelling unit. Member Winkelman stated that the Loveless development has been subdivided over a 100 years period, and the land that is left undeveloped today was left because it was unbuildable. He continued stating that the proposal is for the development for the maximum number of lots on this marginally developable land that has high conservation value due to the ravine, steep slopes, and wetlands. Mr. Leja stated that the proposal is within the zoning code. Member Winkelman stated that the zoning code was written to apply to all of the properties in Skaneateles and that each property characteristic needs to be evaluated when determining whether a subdivision proposal will work as the code is written. Mr. Leja stated that the applicant could have designed a conventional subdivision but opted for an open space conservation subdivision to keep some of the open space. Member Winkelman stated that the land has a wetland that could not be developed, a ravine, and a meadow of low conservation value that you could not use in a conventional subdivision, and some open space fragmented. Mr. Brazell clarified that the applicant could build in the wetlands with a permit from the ACOE, and that the applicant is choosing not to develop the wetlands. Mr. Dussing clarified that the open space has not been fragmented and that there are large expanses of land with the siting of the lots was necessary to accommodate the setback requirements and septic systems. Chairman Tucker stated that the Board has never given final approval of the design of the eastern side of the subdivision. Member Winkelman stated that the open spaces include the septic systems and the recreational areas. Mr. Dussing stated that the code includes those uses as open space. Member Winkelman stated that the steep slopes and ravine on the east side of the subdivision should not be built upon as it has high conservation value.

Member Southern stated that the Board is charged with discouraging this type of development in areas of steep slopes and ravines in the rural farming and forest district. The building envelopes should be moved down the slope with six building lots being excessive for the location. The Board can also regulate plantings proposed for properties in the view shed with thinning of any existing plantings to keep the view shed open. There should not be six proposed building lots on

the east side of the subdivision. Mr. Leja stated that it has been suggested that six dwellings on the east side of the subdivision is not appropriate, and inquired what the right number of dwellings would be appropriate. Member Southern stated that the appropriate number would be what could fit without affecting the view shed. Mr. Leja asked for clarification of what the definition would be of preserving the view shed. Member Southern stated that driving down Route 41A, someone seated in a vehicle could have unobstructed views of the lake. Counsel Molnar stated that the submitted view shed analysis stated that the development will have a moderate impact to the view shed and that a mitigating factor has not been submitted. One mitigating factor would be relocation of the building envelopes on the eastern side of the subdivision further down the slope to provide better visibility of the lake. Mr. Wickman stated the entire eastern side has a moderate impact from all viewing areas and that specifically the view from Route 41A has been classified as appreciable. Mr. Leja suggested another mitigating factor could be that the dwellings along Route 41A on the eastern side of the subdivision be given height restrictions. Mr. Vrendenburgh stated another mitigating factor would be to site the dwellings at the lowest elevation of the building envelopes rather than at the average height of the building envelopes.

Mr. Brodsky stated that the building envelopes have not yet been fully reviewed and approved. Moving the dwellings would get them off the steep slopes and improve the view shed in that area. The applicant will need to submit documentation on what the impact of moving the building envelopes down the slope will have on the project. Mr. Dussing stated that the project would lose about an acre of land on the east side. Chairman Tucker stated that it would need to be shown on documents for the Board to review. Mr. Dussing reiterated that the current plan meets the Town code and that a decision should be made based on the existing plan. Chairman Tucker stated that the Board has asked to look at the project at a different angle. Mr. Leja stated that it is not that the Board has not been given answers; it is that the Board is not satisfied with the answers. Mr. Dussing stated that they do not want to do another iteration just to prove that the new plan does not meet code. Mr. Leja stated that they could move the location of dwellings down and the Board could review them as part of conditional site plan approval as each lot is developed. Member Kasper stated that limitations would need to be conditioned now as part of any approval rather than wait for each site plan approval for the lots as they are developed. Counsel Molnar stated that the height of any dwellings and the placement of the dwellings at the lowest point in the building envelopes are valid points that could be placed as conditions with any approval. Mr. Leja stated that the applicant is willing to do any mitigating effort to reduce impact rather than eliminate additional dwellings. Chairman Tucker stated that elimination of additional dwellings might need to be how to achieve the result. Mr. Brodsky stated that the Board would need to see how moving the dwellings away from the steep slopes causes the proposal not to comply with the open space calculations. Member Winkelman stated that if the dwellings were moved to a lower elevation, the strip of land near the highway would provide a more substantial open space area. Mr. Dussing stated that a hand sketch could be submitted to the Board to demonstrate the impact on moving the dwellings down the slope.

Member Winkelman commented that the lakeside of Route 41A has been heavily developed; however, the western side of Route 41A is rural and the proposed development would be the first multi-lot subdivision development. Chairman Tucker requested a visual analysis from the Mandana and Giles Road point of view. Mr. Dussing stated that the clearing for the dwellings will be in the inside of the land and the west subdivision will have the forest surrounding the interior development. Mr. Heaton stated that the visual analyses were completed within a five-mile radius of the proposed site including Mandana and Giles Road. Simulations were done for the more sensitive areas.

Member Southern inquired on the building size of the eastern side lots and whether the building envelopes could be reduced in size. Mr. Dussing stated that as an example, lot 5 has a proposed 10% impermeable surface coverage. Mr. Brodsky stated that the building envelopes are established by the setbacks determined by the Board. The Board can adjust the setbacks as they see fit for any of the lots. Mr. Vrendenburgh stated that increasing the setbacks might not accomplish what the Board wants. The setbacks on the proposed site plan were taken from the dimensional guidelines in the Town Code. The building envelopes had been reduced over the years; however, the current proposal allows for flexibility for the location and size of the dwelling that could be built. Mr. Brodsky stated that there is an additional setback when the community open-space shares space with private property. What will need to be clarified is a functional building envelope. Mr. Wickman stated that the lots also have to fit in with the septic systems for each lot, and water quality program, with the ravine that is not static but changes over time. In a prior application for Gerst, the ravine had moved and was threatening the foundation of the dwelling. The two abutments for the proposed bridge are near the ravine for lot 1. The abutments are proposed with spread footings; however, their locations may be impacted by any changes to the ravine over time. Member Southern stated that the abutments are proposed at the top of the ravine and there needs to be a 100' setback from the ravine to the abutments. Mr. Wickman commented that the 100' setback on the proposed site plan is from the centerline of the creek and not the top of the bank. Mr. Leja stated that the abutments could be moved to comply with the setbacks and still provide support to the bridge. Mr. Vredenburgh stated that the Van Epps dwelling next door is located 75' from the top of bank.

Member Winkelman inquired the size of the abutments. Mr. Dussing stated that he was not sure of the size. Mr. Wickman stated that a spread footer is usually 5'-6' deep but that would be determined by the bridge engineer designing the bridge. Chairman Tucker inquired on the watercourse setback to the buildable area for lot 1. Mr. Brazell stated that ACOE confirmed the top of bank location for the watercourse. Chairman Tucker inquired on the proposed clearing on lot 1 and the visual impact to Brook Farm. Mr. Dussing stated that there will be clearing of vegetation in the building envelope for lot 1 and that the treed buffer will remain. Mr. Leja stated that additional photos during a leafless condition for lot 1 looking towards Brook Farm have been provided.

Chairman Tucker inquired on the drainage district and that there are easements indicated in specified areas. Mr. Dussing stated that the drainage district is for the entire project. Chairman Tucker stated that there are sensitive areas that are washing out on the east side that would need to be maintained. Counsel Molnar recommended that the easement boundary could be extended to the edge of the property to the south.

Chairman Tucker noted that the EAF does not include the name of the stream that is called Bentley Brook. Mr. Leja stated that the DEC does not name the tributary; however, it can be parenthetically shown in the narrative.

Mr. Dussing requested a recap of the items needing further research or modification. The drainage easement extension to the southern property line for inclusion of the walking path; 100' setbacks from the top of bank from the tributary; sketch of the dwellings moved down the slope on the east side of the subdivision and impact to open space; mitigation impact on the height limitation for the dwellings and the placement of the dwelling in the building envelopes for the lots on the east side; history of the gorge; and the bridge abutments 100' from the top of the bank.

Member Winkelman inquired on the proposed septic systems for the lots. Mr. Vrendenburgh stated that sixteen of the seventeen lots would have conventional systems with one lot having a raised bed system. Lot 1 will draw water from the lake while the remaining lots will have private wells. Chairman Tucker inquired whether there are any mature trees over 100 years old on the properties. Mr. Leja stated that the forest on the west side does not meet the criteria of a mature forest; however, any older trees could be kept. Chairman Tucker inquired about the roads in to the conservation area. Mr. Vrendenburgh stated that the road goes through the open space but the paved surfaces are not counted as open space. Member Winkelman stated that the grass strips along the road have been included in the open space calculations causing some fragmentation of the open space.

Chairman Tucker inquired whether DEC correspondence has been received by the applicant. Mr. Heaton stated that the DEC does not regulate any of the wetlands with the only correspondence from the DEC expected is a SPPDES permit.

Counsel Molnar stated that Town has the same understanding that this existing application would still be reviewed by the SEQR forms in place at the time of application; however, the Board can look at both review forms in their evaluation. In addition, lead agency was established in 2013 and inquired whether a new notification is sent, as there is a new EAF form. Mr. Leja stated that there have been no major changes in the EAF that would require interested agencies to change their minds on lead agency status. The new EAF forms can be used as reference only as the environmental review process had already begun under the prior forms. Counsel Molnar stated that thirteen agencies approached the Board with no objection to the Planning Board as lead agency.

Mr. Dussing inquired whether a SEQR determination could be made at the next Planning Board meeting if all of the requested information has been submitted to the Board. Member Southern stated that we could begin considering the submitted information and potentially begin the review at the next meeting. Counsel Molnar stated that the Planning Board could not proceed with subdivision approval until SEQR is complete; however, public comment on the SEQR declaration should occur before the declaration is rendered. He recommended that the Planning Board consider community input with either written comment or a public information meeting occurring prior to rendering a SEQR declaration. Member Southern stated that it would be beneficial to the Board if public comment were restricted to the SEQR aspect of the project as there will be a public hearing on the entire project before the determination on subdivision approval. Counsel Molnar commented that the Board has recently received comments regarding this project. Mr. Leja stated that there is no opposition to received public comment on the proposal; however, the timeliness of submittal is important to provide ample time for the applicant to respond and for the Board to review and consider. He recommended that a cut off may need to be set to provide the review time. Counsel Molnar stated that, as additional submission is forthcoming from the applicant, the establishment of a plan to obtain public input being formulated at the next meeting. Mr. Leja requested that the Board clarify what comments or concerns received from the public should be addressed for response from the applicant within a two-week period.

WHEREFORE, a motion was made by Chairman Tucker and seconded by Member

Winkelman to schedule a special hearing on *Tuesday, May 27, 2014 at 7:30 p.m.*, conditional on requested materials be submitted by ;May 16, 2014. The Board having been polled resulted in the unanimous affirmation of said motion.

RECORD OF VOTE

Chair	Mark J. Tucker	[Yes]
Member	Joseph Southern	[Yes]
Member	Donald Kasper	[Yes]
Member	Scott Winkelman	[Yes]
Member	Elizabeth Estes	Absent

The Planning Board meeting adjourned as there being no further business.

Respectfully Submitted,

Karen Barkdull

Karen Barkdull, Secretary/Clerk