

**TOWN OF SKANEATELES  
PLANNING BOARD  
MEETING MINUTES  
May 29, 2024**

Donald Kasper  
Douglas Hamlin  
Jill Marshall  
Jon Holbein  
Samantha Parker-Fann (zoom)  
Scott Molnar, Legal Counsel  
Caitlin Choberka, P.E. (C&S Engineers)  
Howard Brodsky, Town Planner  
Karen Barkdull, Clerk

Chair Kasper opened the meeting at 6:30 p.m.

**Application Continuance -8-lot Subdivision**

Applicant:	Village Meadow LLC P.O. Box 174 Skaneateles, NY 13152	Property: Franklin Street Rd Skaneateles, NY 13152 <b>Tax Parcel #047.-01-06.1.</b>
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Present: Josh LaGrow, Applicant; Robert Eggleston, Eggleston & Krenzer Architects,

Counsel Molnar stated that the board had reviewed their notes from the preliminary review of the SEQR on March 19, 2024. At that time, the board requested additional information for questions 1, 8, and 17. The information has been given to the board from the applicant or other town sources. The applicant has submitted the full EAF long form including part 1 that has been completed by the applicant. He recommended that the board do a review of part 2 of the submitted EAF Long Form.

The board reviewed **Part 2 EAF:**

**1 Impact on Land -**  **No**  **Yes**

- a. **No**
- b. **No to Small;** the grade of the access will be modified with the design of the new road
- c. **No;** the bedrock is not exposed there
- d. **No to Small** nothing is being removed from the site
- e. **No to Small;** the development of the lots will be more than one year. The road construction will take less than a year. It is unlikely that any dwellings will be constructed this year. The entire lot will not be disturbed all at once, but the road would be constructed, then stabilized, then the stormwater system constructed, then stabilized. Each individual house independently has a finite time period for completion. There is stabilization plan designed in the SWPPP that remains open until the last dwelling is completed. Any development of a lot with a single family dwelling is automatically a Type II action and not subject to SEQR review as determined by the state that the development would have little or no impact to the environment. There will be mitigation for the construction of the dwellings with allowed times of construction, participation in the SWPPP regulations, rain gardens, and the like will

make it a small impact. The establishment of the subdivision with the proposed improvement of the road and drainage should be considered in this SEQR, with the development of the lots as separate actions.

- f. **No to Small**; The SWPPP and proposed stormwater system would mitigate any potential erosion making it a small impact.
- g. **No**

**2 Impacts on Geological Features** -  **No**  **Yes**

**3 Impacts on Surface Water** -  **No**  **Yes**

- a. **No**
- b. **No**
- c. **No**
- d. **No**
- e. **No to Small**; there may be runoff with sediment however the bioswales would manage the siltation
- f. **No**
- g. **No**
- h. **No to Small**
- i. **No to Small**
- j. **No**
- k. **No**

**4 Impacts on Groundwater** -  **No**

- a. **No**; the property is located in a public water district
- b. **No**; the water pressure testing does not indicate an issue with the proposed dual valve replacement installation on Old Seneca Turnpike and the town engineer concurs on this opinion
- c. **No to small**; septic systems will be approved by OCDOH
- d. **No**
- e. **No**
- f. **No**
- g. **No**

**5 Impact on Flooding** -  **No**  **Yes**

- a. **No**
- b. **No**
- c. **No**
- d. **No to small**; With mitigation it will improve the drainage situation and flooding.
- e. **No**; With mitigation it will improve the drainage situation and flooding.
- f. **No**

**6 Impacts on Air** -  **No**  **Yes**

**7 Impacts on Plants and Animals** -  **No**  **Yes** Already been farmed for years.

**8 Impacts on Agricultural Resources** -  **No**  **Yes**

- a. **No to Small**; Although it has soil classified as high value, the lot is located in the Rural Residential district and public water district, and is a small field that is difficult for farmers to maneuver their equipment. Because of the shape of the lot only 12 acres are able to be farmed.
- b. **No**; the neighboring fields have additional access and do not require this lot for access.

- c. No
- d. **No to Small**; the lot is more than 10 acres not located in an Agricultural district.
- e. No
- f. **No to Small**; The lot is located in a residential and water district and surrounded by residential lots and commercial lots in the nearby area.
- g. No

**9 Impacts on Aesthetic Resources** -  No  Yes

- a. No
- b. No
- c. **No to Small**; only visible by surrounding neighbors
- d. **No to Small**
- e. No
- f. **No to Small**

**10 Impacts on Historic and Archeological Resources** -  No  Yes

**11 Impacts on Open Space and Recreation** -  No  Yes

**12 Impacts on Critical Environmental Areas** -  No  Yes **NOT APPLICABLE**

**13 Impacts on Transportation** -  No  Yes

- a. No
- b. No
- c. No
- d. No
- e. No

**14 Impacts on Energy** -  No  Yes

- a. No
- b. No
- c. No
- d. No

**15 Impacts on Noise, Odor, and Light** -  No  Yes

- a. No
- b. No
- c. No
- d. No
- e. **No to Small**: only eight residences

**16 Impacts on Human Health** -  No  Yes

**17 Consistency with Community Plans** -  No  Yes No

- a. No
- b. No
- c. No
- d. No
- e. **No**; the lot is located in the RR district, water district, and there are residential lots along the east side of this lot.
- f. No
- g. No

**18 Consistency with Community Character** -  No  Yes

- a. No
- b. No
- c. No
- d. No

- e. **No to Small**; the development will be different with the surrounding residential lots however; it is consistent with the town.
- f. **No**

Counsel Molnar said that based upon the board's deliberation, the answers to the questions presented in the FEAF as well as these comments, all as part of the record, he recommended that the board check box A in Part 3 that the project will have no significant adverse impact on the environment, and therefore an environmental impact statement need not be prepared. Accordingly, a negative declaration is issued.

**WHEREFORE**, a motion was made by Chair Kasper and seconded by Member Hamlin declare that this project will result in no significant adverse impacts on the environment, and, therefore an environmental impact statement need not be prepared, with a negative declaration issued. The Board having been polled resulted in the unanimous affirmance of said motion.

Cochair Hamlin inquired about the term of the SWPPP. Mr. Eggleston explained that once approval has been granted by the board they would send a notice of intention to start to the State. It would be closed out after the last dwelling is completed, and the engineer has made the determination after the NYSDEC criteria has been met. Cochair Hamlin said that the concern he had was the ability of the town to re-engage the developer should the proposed drainage system fail. Mr. Eggleston responded saying that that the purpose of doing a drainage district is for these situations. Butters Farm has a drainage district. Counsel Molnar said that the greatest fear is that the engineered drainage plan fails, and it can be mitigated by section 15 that is in the draft resolution.

*"That the Applicant, and its HOA successor in title to areas of the Property which will have stormwater bio-swales and/or other stormwater management facilities placed thereon, shall remain responsible at all times to operate, and maintain all such stormwater facilities on the Property in good and functioning condition. In the event that such stormwater facilities fail, either as a result of design or construction, the Applicant and the HOA shall be responsible at no cost to the Town to re-design and re-construct stormwater facilities on the Property to the satisfaction of the Planning Board and Town Engineer."*

Member Marshall inquired about the future road extension and Mr. Eggleston explained that it would be owned by the HOA and that as it is a private road, the width of the extension is for a walking trail. Member Marshall asked if it could be wider in case it is ever connected to another road. Mr. Eggleston said that the town did not want a public road and the proposed road with the extension meets the code. Chair Kasper commented that a public road cannot dump onto a private road. He continued saying that if the property were developed to the west there would be a connected walking path that would allow someone to walk to the village. He suggested that the connection could also allow water to connect in the future as the land west is also in the water district. Member Marshall say that the board should plan for connectivity. Chair Kasper said that if the easement were expanded it would change the lots and the setbacks for the lots. Lot 4 is 2.01 acres and would be problematic to reduce. Mr. LaGrow said that they had proposed a public road with a wide connector and the town said that they did not want a public road, and he is hesitant to revert back to the original plan. The 20 foot wide walking path easement area is in a sloped area.

Counsel Molnar review the draft resolution for the application and noted small modifications to the resolution including;

- Redated to May 29, 2024
- Preliminary SEQR dated March 19, 2024
- Date of SWPP submitted to Planning Board on November 30, 2023
- Defined construction Sequence as “Construction Sequence”
- Under 4. Easements and Recordable documents- G should be defined as a utility/access easement of 20 feet in width at the west end of the cull de sac as set forth on the plat plan.
- Item 12 A now reads “before the start of any construction the applicant shall including but not limited to the following; a. the stormwater/bioswales shall be prioritized and be completed to the town engineer’s satisfaction in compliance with the construction sequence”
- Section 12C: Construction Activity Hours of Operation (including construction of residences) shall be limited as follows: Monday to Friday 7 am to 6 pm, Saturday 8 am to 3 pm, with no work to be performed on Sunday.

Mr. Eggleston inquired about escrow for the waterline and whether it is in regard to the waterline going along the proposed road, or relocation of the waterline in the town right of way. Counsel Molnar said that it would be all the way up to the circle. Mr. Eggleston explained that if they were preliminary plat filing of the map without the improvements being constructed and completed, then escrow would be needed for improvements that have not been done and dedicated. It is not needed to pay for set up the escrow. Counsel Molnar said that this defers to the Town Board for security and escrow that they will need before dedication of the hydrants and other fixtures that become the water system. They may or may not require some form of guarantee of that of which is installed remains compliant. Mr. Eggleston said then this section is “as may be required by the Town Board.”

Chair Kasper that there should be escrow for traffic control and to address the concern that if during the construction of the road with mud that could come down or the ponds do not hold water that could flood someone out, and the first contact will be the town highway department to clean up the road. Mr. LaGrow said that it is up in the air just like the water valve. Mr. Eggleston reiterated that in a typical plat plan preliminary approval when the subdivision is actually filed before improvements then there is a logical reason to set up the escrow. They are proceeding at their own risk with the installation of the road and water with the assumption that the town would give final subdivision approval.

Mr. Eggleston said that in light of the next steps in going to the Town Board for the various approvals, they would like to delay the decision on the subdivision What needs to be in place to be shovel ready and the infrastructure will take at lease 20 weeks to complete, six months for the final plat approval would be impractical.

Ms Candee, interrupted the meeting to say that number five has a barn where the roof is destroyed and on the other side of me is the fire hydrant and a right of way for telephone poles. There are septic systems and pools from George Batlle’s property to number eight. Number eight is beyond me. Memorial day the water was pouring down and his driveway and my driveway, which is five and six, and there was water going down Elizabeth Street. Marybeth owns across from him and there will be another road. Do you know how long it took to build the houses down there where Ace is because that was wet down there. You are talking about a valley, and you are talking about this weather change the last two years. People walk their dogs down through there and the bikes going down through there. I have seen semi-trucks and

I do not know how they turn around down there by the cemetery. Those semi-trucks are three trucks long. I have seen them at 4 am and some of them say recycle on them.

Chair Kasper asked how this affects the subdivision. He continued saying that the applicant's engineer said that this subdivision will help all of the neighbors below with the controls that will be put in place that will slow that water down and not create more water. The septic systems are designed by an engineer and approved by OCDOH to work. Ms. Candee said that the stinky water goes somewhere just like the leaves. She continued saying climate change has done a number and the next couple of months or so. The guy who used to own this land was a builder and I think it would be wonderful to build, and he built those little houses. Chair Kasper said that it is the board's job for planning and the town is not going to sit still and not develop. If it did it would die if there was not growth. Ms Candee said that there are level sides on Jordan and Chair Kasper responded that the town cannot pick and choose what land can be developed. Every person has a right to develop their land. Some of the issues that you have brought up should be addressed to the Town Board as the Town Board entrusts this board to oversee the planning and not to stop it. The board does a very thoughtful review and does not just approve something because it is a promising idea. The applicant has spent thousands of dollars to prove that the subdivision will work. Ms Candee said that she agrees with him trying to make a living, but it is in the wrong spot. She continued saying that there should be a pond between five and six because that is where the water is going through. There is fourteen acres left up there and with climate change it is a lot different. It used to be if you have four feet of snow melt the ditch would fill. Now its been filled and halfway across the road six or seven times the last two summers. Chair Kasper said that the engineer has taken into account storms in his calculation and design to address that. The town's engineer has review the plans as well. The board is doing their job in the review of the project.

Counsel Molnar said that the six months for filing of the final subdivision is a statutory requirement as per Section 131-3D. An extension can also be requested by the applicant. Mr. LaGrow said that if they cannot reasonably start cutting the road by the end of the year, then spring is the next window, and an extension would be necessary. Mr. LaGrow requested that this application be continued to the next meeting as he would like for his attorney to review the draft resolution before it is finalized, and they need to go in front of the Town Board for the Drainage District formation and other issues. The application will continue at next month's meeting.

**WHEREFORE**, a motion was made by Cochair Hamlin and seconded by Member Holbein to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 8:02 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk

Additional Meeting Attendees:

Robert Eggleston                      Josh LaGrow  
Laura Candee

Additional Meeting Attendees (Zoom):

Jim Fields                                      Mike Drake  
Chris Buff