

**Hidden Estates Lot 3 Re-Subdivision**  
**Tax Map #: 036-01-37.1**

**RESOLUTION OF THE TOWN OF SKANEATELES PLANNING BOARD;  
SEQR STATEMENT OF SIGNIFICANCE AND DETERMINATION**

**Action Date: February 19, 2019**

**PLEASE TAKE NOTICE** that the following Resolution was proposed and duly adopted at the February 19, 2019 Town of Skaneateles Planning Board ("Planning Board" or "Board") Meeting;

**WHEREAS**, application was made by **Donald G. Spear and Emerald Estates Properties, L.P.**, (collectively "Applicant") for property located at **2894 East Lake Road** in the Town of Skaneateles, to re-subdivide an 80.9 acre parcel into a conservation subdivision of 9 lots with an average of 8.78 acres per lot, served by a re-developed private driveway to a conservation subdivision private road to accommodate a total of 12 residential lots, located in the Rural and Farming and Lake Watershed Overlay District ("Premises", "Property" or "Project"), as set forth on a **Revised Sketch Plan, dated May 4, 2018** prepared by **Robert O. Eggleston, Architect**, ("Sketch Plan") and as set forth on the **Hidden Estates Subdivision Overall and ESC Plan, Demo Plan, Road Layout, Grading and Profile, and Details last dated August 8, 2018** and prepared by **RZ Engineering, PLLC** ("Road Plan") together with other materials submitted by the Applicant, as more fully set forth herein (the "Application"); and

**WHEREAS**, the Application has been reviewed by the Planning Board between December 16, 2014 and January 22, 2019 as a Major Subdivision pursuant to §131-3(c), a Conservation Density Subdivision pursuant to §131-6, and an Open Space Subdivision pursuant to §148-9(C) of the Town of Skaneateles Town Code, and

**WHEREAS**, pursuant to and in accordance with the **New York State Environmental Quality Review Act**, 6 NYCRR 617 *et seq.* ("SEQR"), at a special meeting called for this purpose held on February 20, 2018, the Planning Board declared its willingness to act as lead agency for coordinated review of the Application, thereafter provided notice of lead agency status on March 20, 2018 to all interested agencies having jurisdiction of one or more aspects of the Application, advising all that the Application was classified as an Unlisted Action, subject to coordinated review under SEQR due to the size of the Project relative to the size of the community, and other factors; and

**WHEREAS**, pursuant to and in accordance with SEQR, on May 24, 2018, the Planning Board re-circulated Application materials to potentially interested agencies having jurisdiction over the Project after receiving the Sketch Plan, a Narrative from the Applicant regarding Road Impacts dated May 10, 2018, and a currently dated Road Plan, reflecting that the intended conservation road design is intended to be Code compliant at eighteen (18) feet in width and not exceeding twelve percent (12%) in grade; and

**WHEREAS**, pursuant to and in accordance with SEQR, the Applicant submitted its Full Environmental Assessment Form, updated as of July 5, 2018 after making corrections to Part 1 of the FEAF ("FEAF") for consideration by the Planning Board as lead agency, and after making changes to the Project which are set forth on the Sketch Plan and Road Plan, advising the Board that both represent the Applicant's preferred configuration of said subdivision; and

**WHEREAS**, pursuant to and in accordance with SEQR, the Planning Board reviewed the FEAF, Sketch Plan and Road Plan, and held special meetings on May 29, 2018, November 8, 2018, and January 22, 2019, at which time the Planning Board reviewed Part 1 of the FEAF for accuracy to the Road Plan and other aspects of the Application, and further completed Part 2 by answering every question presented in the FEAF, determining where the environmental impact of the Project has been identified as potentially moderate to large, including the reasons and rationale in support of said determination of significance, all as more fully set forth on the record at a Special Meeting of the Planning Board held January 22, 2019 at 6:30 p.m., a transcript of which is attached hereto and incorporated herein as Exhibit A, at which time the Planning Board discussed Part 2 of the FEAF in detail, following the format recommended by the New York State Department of Environmental Conservation ("DEC") under DEC website publication ***Part 2 – Identification of Potential Project Impacts (FEAF) Full Environmental Assessment Form (FEAF) Workbook***, determining the key characteristics of possible impacts by magnitude, duration, likelihood and importance; and

**WHEREAS**, while undertaking the foregoing, the Planning Board reflected on Project materials pertinent to its review under SEQR, including, but not limited to the following:

- Planning Board Resolutions dated February 21, 2012, as amended September 18, 2012 and October 16, 2012, creating the Hidden Estates Subdivision, Lots 1, 2 and 3; and the Planning Board files related thereto;
- The Conservation Analysis prepared by Appel Osborne Landscape Architects dated January 9, 2015, and last amended April 29, 2015.
- The Order to Remedy Violation issued by the Code Enforcement Officer of the Town of Skaneateles dated August 24, 2015.
- The Order to Remedy Supplemental Notice issued by the Town of Skaneateles Code Enforcement Office dated October 27, 2015.
- The SOCPA Resolution dated February 7, 2018.
- The Sketch Plan dated May 4, 2018.
- The Conservation Subdivision Narrative dated May 10, 2018.
- Planning Board Special Meeting Minutes of May 29, 2018 regarding review of SEQR Parts 1 and 2, workshop format.
- C&S Engineers, P.C. engineering memo with comments to the Planning Board of May 29, 2018.
- The Road Plan dated August 10, 2018.
- Correspondence from Fire Chief Daniel S. Evans dated April 8, 2018.
- Correspondence from Fire Chief Daniel S. Evans dated September 24, 2018.
- Draft Deed of Conservation Subdivision Easement and Draft Common Driveway Easement, submitted and circulated between the Applicant and Planning Board on October 14, 2018.



- Various email correspondence, memoranda and letters from counsel to neighbors and/or interested parties received by the Planning Board between May 10, 2018 and January 22, 2019.
- The Site Examination Report prepared by Earthwork Plus, dated October 21, 2018.
- Transcript of Planning Board Public Information meeting dated November 8, 2018, with comments submitted by interested parties electronically and in hard copy.
- Report prepared by Costello, Cooney & Fearon dated November 27, 2018, addressing comments elicited at the Public Information Meeting of November 8, together with attachments.
- RZ Engineering PLLC report with reply engineering comments dated June 22, 2018.
- C&S Engineers, P.C. memos to Planning Board regarding engineering comments, dated January 7, 2019 and January 18, 2019.
- Geologic NY, P.C. memo regarding ground water availability dated January 18, 2019.
- RZ Engineering PLLC reply engineering comments dated January 21, 2019; and

**WHEREAS**, in addition to the foregoing, the Planning Board has made site visits to the Property, has reviewed and considered all of the material contained in the Board's file, has heard and considered submissions made on behalf of the Applicant, has heard and considered submissions by the public and other interested parties, has considered the Onondaga County Planning Board Resolutions, and obtained engineering consultation.

**NOW, THEREFORE**, upon a motion made by Chairman Joseph Southern , seconded by Member Douglas Hamlin , and upon the affirmative vote of all Members present, as set forth in the Record of Vote referenced below, the Skaneateles Planning Board adopts the (A) Findings and Statement of Significance; and (B) Declaration of Significance, authorizing completion of Exhibit B attached hereto, being the FEAF Part 3 form, Form 2019, promulgated by the DEC for this purpose, as follows:

**A. Findings and Statement of Significance:**

As more particularly described in Exhibit A attached hereto, which reflects the discussion and dialogue rendered by the Planning Board when deliberating on potential environmental impacts of the Project and providing the rationale in support of its Statement of Significance for all questions answered in FEAF Part 2 where the impact has been identified as potentially moderate to large, the Planning Board has determined the magnitude, duration likelihood and importance of each relevant Part 2 question answered "Moderate to Large Impact May Occur", a summary of which is as follows using the format suggested by DEC:

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>1b. The proposed action may involve construction on slopes of 15% or greater.</b>	Moderate to large Impact	Irreversible, duration is permanent	Probably will occur	Very important

**Rationale:**

Construction of the new roadway is upon varying percentage of slopes, greater than 15%, any work to institute construction of the road will also involve working on slopes greater than 15%, for an extensive part of the steep slope identified in the Conservation Analysis as land of high conservation value. Project includes extensive excavation on steep slopes where cut and fill will leave slopes greater than they exist now, with removal of large areas of vegetation on steep slopes

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>1f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from the treatment by herbicides).</b>	Large Impact	Long term – avoided by appropriate storm water measures	Possibly will occur	Very important – in the lake watershed

**Rationale:**

There are steep slopes on the parcel and Skaneateles Lake nearby that could be affected by erosion by the cutting of the road, and creation of steep slopes after the road is cut, in 30 or 50 or some to 100% slopes, with material when it washes out that is highly moveable, transported easily by water downstream.

After the determination above concerning duration, likelihood and importance, the Planning Board and Rudy Zona, P.E. completed a lengthy discussion of potential mitigation measures regarding potential erosion resulting from construction of the road, and stabilization of the cut slopes, which are comprised of shale. On the topic of road construction, the Planning Board concluded its analysis relates to the long-term impact of the Project and all factors, “looking beyond just construction.”

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>1h. Other impacts: Magnitude of project in proximity to the lake.</b>	Moderate to large.	Medium term – there is always going to be runoff	Possibly will occur	Very important

**Rationale:**

The extent of the fill area and possible impact on the watershed, based on the modification of steep slopes to end up being 30 to 100%, in the lake watershed, and considering proximity of the Project to Skaneateles Lake.

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>3e. Proposed action may create turbidity in a water body, either from upland erosion, runoff or disturbing bottom sediments.</b>	Moderate to large impact.	Long Term as a result of heavy storms	Possible to occur	Fairly important – without mitigation
<b>Rationale:</b> Magnitude of the road and road cut, potential for erosion of steep slopes.				

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>3h. Proposed action may cause soil erosion, or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies.</b>	Large impact.	Long Term as a result of heavy storms	Possible to occur	Fairly important – without mitigation
<b>Rationale:</b> Magnitude of the road and road cut, potential for erosion of steep slopes, with known heavy water runoff from the site.				

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>3i. The proposed action may affect water quality of water bodies within or downstream of the site of the proposed action.</b>	Moderate to large impact.	Long Term as a result of heavy storms	Possible to occur	Very important
<b>Rationale:</b> Downstream is the lake, which may affect water quality which is an unfiltered source of drinking water for the City of Syracuse, and local town residents who draw drinking water nearby.				

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>9c. The proposed action may be visible from publicly accessible vantage points: (i) seasonally.</b>	Moderate to large.	Long Term	Probably will occur	Fairly important
<b>Rationale:</b> Because in the winter there is no vegetation and 11 potential homes will have limited landscaping, to preserve everyone's view.				



<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>9c. The proposed action may be visible from publicly accessible vantage points: (ii) year-round.</b>	Moderate to large impact.	Long Term	Probably will occur	Fairly important
<b>Rationale:</b> Because in the winter there is no vegetation and 11 potential homes will have limited landscaping to preserve everyone's view. Also, there has been no suggestion for planting along the road to hide the road.				

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>9d. The situation or activity in which viewers are engaged while viewing the proposed action is: (ii) recreational or tourism based activities.</b>	Large impact.	Long Term	Probably will occur	Fairly important
<b>Rationale:</b> As viewed from the lake by people traveling within boats or visitors riding the surfaces provided, in a community that has a lot of tourism, not just on the water.				

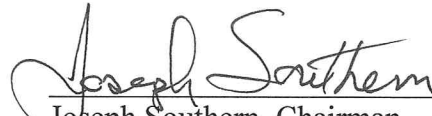
<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>17. Consistency with community plans, h. Other: i: precedent setting development on a steep or difficult site.</b>	Moderate to large impact.	Long Term	Possibly to occur	Fairly important
<b>Rationale:</b> The Project may encourage development on similar steep slopes in the watershed.				

<b>FEAF Question</b>	<b>Magnitude of Impact</b>	<b>Duration of Impact</b>	<b>Likelihood of Impact</b>	<b>Importance of Impact</b>
<b>17. Consistency with community plans, h. Other: ii: precedent setting: shared lakefront access encouraging other actions.</b>	Moderate to large impact.	Long Term	Possibly will occur	Very important
<b>Rationale:</b> Encourages development, with multiple households sharing 40-foot lake frontage, impact on neighborhoods, the lake, fostering similar development.				

FEAF Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact
18. Consistency with community character, F. Proposed action is inconsistent with the character of the exiting natural landscape.	Moderate to large impact.	Long Term	Probably will occur	Very important
<b>Rationale:</b> Construction of the Project Road is inconsistent with the character of the existing natural landscape.				

**B. Declaration of Significance:**

Based upon the foregoing Findings and Statement of Significance, hereby adopted and ratified, the Planning Board as lead agency under SEQR finds that Project may result in one or more significant adverse impacts on the environment, which cannot be avoided or adequately mitigated by the Planning Board by imposition of one or more conditions within its jurisdictional control absent the submission of additional relevant information by the Applicant. Accordingly, the Planning Board concludes that the Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared by the Applicant to further assess the impact(s) and possible mitigation, and to explore alternatives to avoid or reduce those impact(s) as required by SEQR; and the Planning Board hereby authorizes the Planning Board Chairman to accordingly answer and sign Exhibit B attached hereto, being the FEAF Part 3 promulgated by the DEC.

  
\_\_\_\_\_  
Joseph Southern, Chairman  
Planning Board-Town of Skaneateles  
Dated: February 19, 2019

**RECORD OF VOTE**

			Yes	No
Chair	Joseph Southern	Present	[X]	[ ]
Vice Chair	Donald Kasper	Present	[X]	[ ]
Member	Scott Winkelman	Present	[X]	[ ]
Member	Douglas Hamlin	Present	[X]	[ ]
Member	Jill Marshall	Absent		

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3



Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Please see SEQR Resolution and SEQR Resolution Exhibit A, attached.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Skaneateles Planning Board \_\_\_\_\_ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☒ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.


Name of Action: Hidden Estates Lot 3 Re-Subdivision

Name of Lead Agency: Town of Skaneateles Planning Board

Name of Responsible Officer in Lead Agency: Joseph Southern

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:  Date: February 19, 2019

Signature of Preparer (if different from Responsible Officer)  Date: February 19, 2019

**For Further Information:**

Contact Person: F. Scott Molnar, Esq.

Address: Tower I, Suite 1600, 100 Madison Street, Syracuse, NY 13202

Telephone Number: (315) 474-6448

E-mail: smolnar@bcplegal.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>