***HIDDEN ESTATES SUBDIVISION***
***East Lake Road***

***Skaneateles, NY***

***RZE# 17067***

Draft Environmental Impact Statement
12/06/19

Prepared for:
Emerald Estates Properties, LP
Developer
3394 East Lake Road
Skaneateles, NY 13152

RZ Engineering, PLLC
STORMWATER SANITARY WATER ENVIRONMENTAL TRANSPORTATION
6320 FLY ROAD SUITE 109
EAST SYRACUSE, NY 13057
PH (315) 432-1089
FAX (315) 445-7981

**Lead Agency:** TOWN OF SKANEATELES PLANNING BOARD
24 Jordan Street, Skaneateles, New York 13152

**Contact**: Planning and Zoning Department--(315) 685-1384

Date Accepted by Lead Agency: _____

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**EXHIBIT TABLE**

## EXECUTIVE SUMMARY

This Draft Environmental Impact Statement ("**DEIS**") has been prepared in accordance with the requirements of the New York State Environmental Quality Review Act ("**SEQRA**") and its implementing regulations found at New York Codes, Rules and Regulations ("**NYCRR**"), Title 6, Part 617. The content with regard to the impacts addressed is specified by the Town of Skaneateles Planning Board (the "**Planning Board**" or the "**Board**"), acting as lead agency, resolution dated February 20, 2018, and as otherwise indicated in this DEIS.

As discussed herein, as part of the Environmental Impact Statement process and necessary evaluation of alternatives, the Sponsor and Project Sponsor, Emerald Estates Properties, LP (the "**Sponsor**"), incorporates the design sketch plan detailed at Exhibit 1 -- (the "Final Design") as its proposed action.

The Sponsor incorporated the revisions detailed in this FEIS to mitigate the potential environmental impacts of the Project (defined below). This FEIS presents a well-considered, final proposal that sufficiently addresses the SEQRA concerns identified by the Planning Board and the public.

Along with design professional, the Sponsor created a Project that is in keeping with the subdivision design ideals presented in the workshop arranged by former Town Supervisor Mary Sennet and conducted by renowned designer Joe Russell in which the Sponsor participated.

The site is ideal for a residential development. It is off sightline of East Lake Rd, and is agricultural land of poor soil quality that would require the use of significant quantities of fertilizers in active agriculture, and that has consequently been fallow for half of a century. The number of building lots are limited and the placement of them is unobtrusive. The storm water system that will service the Project is already in place to capture any construction-related runoff, and it has the capacity needed for the development. With huge lots, septic and water well spacing is ideal.

The Sponsor's original proposal to widen the existing private driveway and add additional pullouts and guide rails would have created almost zero disturbance. In September 2017, the Sponsor asked the Planning Board to accept the existing driveway as-is in exchange for the Sponsor including the large Lot 11 in the Conservation Density Subdivision proposal, forfeiting any additional development rights on the entire

property. Meeting minutes show that the Sponsor was told that “the revised idea is a reasonable approach." At successive Planning Board meetings following September 2017, the Planning Board asked the Sponsor for additional changes to the proposed road, ultimately exceeding the requirements specified in Town Code for this type of a Conservation Density Road. The currently-mandated road width of approximately 140% of code directly results in nearly 40% of the earth work involved in the Project that was subsequently cited by the Planning Board as being of potential concern.

The existing driveway’s current peak grade is only as great as it is because design changes insisted upon by the Town’s prior engineer to the Sponsor’s original design resulted in increasing the grade to its current state. The existing driveway grade is only an issue because of the thoughts of the now former Fire Chief; the previous Fire Chief had approved the Sponsor’s original proposal.

Even when reconstructing the driveway per this Project to reduce the peak grade and far exceeding code width, the Sponsor is easily able to contain the earth work on the site and the site has a functioning storm water system in place.

This proposal, with environmental concerns mitigated, creates less of an environmental impact than a “no action” alternative.

**Description of Action**

The property that is the subject of the Final Design comprises approximately 80.92 acres of agricultural and wooded land, is located wholly on the eastern side of East Lake Road, at 2984 East Lake Road, south of Coon Hill Road, in the Town of Skaneateles (the “**Town**”), Onondaga County, New York State. The property bears Tax Map Number 036.-01-37 (the “**Project Site**”). As shown on the 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., the Sponsor proposes to develop the Project Site into a 9-lot Conservation Subdivision with an average of 8.78 acres per lot, including redevelopment of a private driveway to a conservation density subdivision private road to serve a total of 12 residential lots, and minor alterations to existing storm water management facilities (such improvements, collectively, the “Improvements” and such development together with the Improvements, collectively, the “Project”) and is located in the Rural and Farming and Lake Watershed Overlay zoning districts.

The construction phase of the Project will cause an overall site disturbance of approximately 9.98± acres of land, of which 3.4± acres of disturbance will be caused by the proposed road modifications, and the remaining 6.6± acres encompasses total disturbance of the proposed building lots (driveway, leach fields, etc.). The construction disturbance of each building lot will only be disturbed during the initial lawn grading. In addition, all lots will not be constructed at the same time. It is anticipated that only one or two lots will be constructed simultaneously. Once the lot is graded the lot can be seeded and stabilized prior to completion of each residential structure which will limit disturbance to a small area on each lot. A breakdown of anticipated disturbance per lot and disturbance in relation to total site area has been provided in the table below.

| Lot # | Lot Size | Disturbance (acres) | % of Lot Disturbed | % of total area (80.92 acres) Disturbed |
|---|---|---|---|---|
| **3** | **3.11** | **0.38** | **12.2** | **0.47** |
| **4** | **2.78** | **0.46** | **16.5** | **0.57** |
| **5** | **2.07** | **0.55** | **26.6** | **0.68** |
| **6** | **2.09** | **0.56** | **26.8** | **0.69** |
| **7** | **5.02** | **0.92** | **18.3** | **1.1** |
| **8** | **5.07** | **0.81** | **16.0** | **1.0** |
| **9** | **5.85** | **1.61** | **27.5** | **2.0** |
| **10** | **6.70** | **0.96** | **14.3** | **1.2** |
| **11** | **46.28** | **2.73** | **5.9** | **3.4** |

As can be noted in the above table, the total disturbance of the site (9.98± acres) is roughly 11.1% of the total site. It should also be noted that each lot disturbance area is estimated based on the building envelope plus an estimated driveway area. Lot construction is limited based on town code regarding impervious surface coverage and therefore, lot disturbance can also be anticipated to be less than the total area for each lot. Based on these estimates, the disturbance noted above is most likely overstated since the likelihood of all lots disturbing the entire building envelope is small.

Existing residences in the area obtain drinking water from water wells because public

water is not available in the Project Site vicinity. The Sponsor will cause the drilling of individual, onsite water wells as the source of water for the Project. Professional geologists confirmed that the site can support such wells.

Sanitary sewer systems do not exist at the Project Site or in the vicinity. As a result, individual onsite wastewater treatment systems are proposed for each lot. To define the most appropriate septic system, the Sponsor will need to complete an extensive site investigation with the aid of the Onondaga County Health Department ("**OCHD**") and the City of Syracuse, to determine percolation rates and separation from groundwater or other restrictive soil layers. The Sponsor will complete this investigation and design systems that are compliant with all local, county and state regulations for Residential Onsite Wastewater Treatment Systems. These agencies outline specific requirements for these systems in a publication by the New York State Department of Health Bureau of Water Supply Protection entitled "Residential Onsite Wastewater Treatment Systems Design Handbook.

## Approvals

This DEIS was prepared to facilitate the Planning Board's consideration of the Project, including the pending subdivision approval and other approvals discussed in this subsection. The Planning Board declared the original Project, as detailed in the preliminary plat plan submitted to the Planning Board on November 4, 2014 (the "**Original Project**"), a Type I Action and identified the Planning Board as the lead agency for the SEQRA process.

The Project Site has a Rural Farming and Forest ("**RF**") zoning designation, which, per the Town zoning code, has the purpose of promoting agriculture and compatible open space uses by discouraging large-scale residential development and those forms of commercial development that might conflict with agricultural use, while allowing small-scale, clean-industrial and service uses that complement agricultural enterprises. Single-family residences are a use permitted by right in the RF zone. In addition, the property is also located within the Skaneateles Lake Overlay District which, per the Town zoning code, has the purpose to promote agriculture and compatible open space uses by discouraging large scale residential developments and those forms of commercial development that might conflict with agricultural use, while allowing small-scale clean industrial and service uses that compliment agricultural enterprises.

The Sponsor is seeking approval for its Project, a 9-Lot Conservation Density Subdivision - Residential, that complies with the Town's zoning regulations. The Project is a conservation density subdivision that preserves contiguous open space and important environmental resources. The Project Site is within the Town's Lake Watershed Overlay District and subject to the associated zoning regulations.

The Onondaga County Health Department ("**OCHD**") and the City of Syracuse Water Department must approve the septic system design and construction. The Project must also receive New York State Department of Environmental Conservation's ("**DEC**") General State Pollutant Discharge Elimination System ("**SPDES**") Storm Water Permit for Construction Activities.

## Purpose

The Project will preserve two existing lots created as part of the Hidden Estates Subdivision and create eight (8) additional lots by dividing the existing Lot 3 into nine (9) single-family residential lots identified for sale to parties other than the Project Sponsor. The Project will also redevelop a private driveway, upgrading it to a Conservation Density Subdivision private road to serve a total of 12 residential lots.

**Project Schedule**

The total duration of the road construction under this Project from start to finish is estimated to last two months. The duration of home construction on the resulting lots will be determined by the rate at which the lots sell, which unknown.

**Needs and Benefits**

The marketing and sale of lots within the Project is desirable, useful, and the right of the Sponsor. The creation of new lots is desirable and useful to existing and new residents of the community wishing to build on a lot with a view of the Lake. The proposed Conservation Density Subdivision is the most environmentally-friendly potential use of this parcel. The Planning Board, as lead agency, must take these benefits into consideration.

As early as 2008, the Sponsor approached the Trust for Public Lands ("TPL") to discuss preserving the site as a public park. The TPL approved the land for that purpose. The Sponsor was asked to assist them in raising charitable contributions for that purpose. While TPL had many sources of their own, they wanted local participation. They also required that the main benefactor, the Town, participate in the funding to a minor degree, 10%. While the Town Supervisor supported this initiative, the Town Board declined to assist in this Project.

At one point, Town Supervisor Jim Lanning did offer funds for administration fees when the Finger Lakes Land Trust was approached about the Project. After years of effort, the USDA was prepared to fund the purchase of the Sponsor's development rights in conjunction with a conservation easement but needed a steward such as the FLLT. The President of the Board of the FLLT at that time was a local resident who refused to allow the Trust to become the steward despite there being no direct cost to the FLLT and the creation of conservation easements being their reason to exist. This individual now heads opposition to development.

Because the Sponsor needs to monetize this land, has unsuccessfully tried to sell the parcel as-is, and neither the local government nor the local land trust are interested in the preservation of the land under a conservation program, the option of no changes to the existing private driveway had the Sponsor pursue the remaining economic options consistent with this alternative.
The Sponsor has consulted with Phil Davis of Damiani Wineries (Vintner of the Year, Wine Spectator Magazine) who made a site visit after the Sponsor had taken winter temperature measurements at various locations on the property. His recommendations

were for hops or white grapes, preferably Cayuga because it was used in many blended wine varieties. The following excerpt from a Cornell University publication details the fertilization issue with such agriculture, *The Northern Grapes Project and the USDA National Institute of Food and Agriculture, Hatch Project* [1], attached. Quoting Cornell: "The College of Agriculture and Life Sciences at Cornell is home to one of the top viticulture and enology programs in breeding table, juice and wine grapes adapted to cool climate growing regions."

Cornell University is a regional expert in viticulture, offers undergraduate and graduate degrees as well as certification programs and seminars on the topic, and promotes the expansion of viticulture. According to this publication, the baseline nutrient application for wine grapes, on an ongoing basis, should be 100 pounds of nitrogen per acre per year, 300 pounds of muriate of potash per acre every other year, and one ton of lime per acre every 5 years, plus other nutrients. For just nitrogen and muriate of potash, this is an average *annual* application of fertilizers of 250 pounds per acre, according to these experts from Cornell.

Since Skaneateles is a highly desirable wedding venue, that would be the first alternative considered in conjunction with active viticulture. With the State of NY promoting microbreweries, that would be the second use considered.

Active viticulture using the existing private driveway is a permitted and viable alternative.

However, it has a significantly greater negative environmental impact to the community and lake's water quality than the impact of the self-contained (on-site), one-time earth movement required to meet the Planning Board's specifications for the private road for Sponsor's proposal.

- The existing soils are poor for the viability of traditional agricultural crops suited to this region. The slopes and soils would be expected to produce high-quality wine grapes, but the high annual nutrient supplementation and pesticide application required for wine grapes is a repeated annual negative impact. The resulting perpetual agricultural runoff would be detrimental to the lake's water quality.
- Clearcutting the eastern high-conservation value area—a portion of the parcel with good soils that could support traditional crops—in order to resume agriculture would have a vastly more significant visual impact than the proposed road and homes. The visual open scar created would be in stark contrast to the vegetated adjoining areas of the neighboring parcels.
- The *annual* tilling of acreage a multiple of size the 9.98 acres that are subject to a one-time disturbance under this proposal would produce exponentially more soil

runoff over time than that which could result under this proposal, and would require no mitigation.

- The addition of a wedding venue permitted under "Ag-Tourism" would create more use of the existing driveway than what would be used by the proposed conservation density road under the proposal for 8 additional lots

A zone change to a more commercially favorable zone also does not fit the Project Site for the same reasons as a commercial use in the current RF zone. In addition, a zone change would not conform to the surrounding zoning and would not have been favorably received by the Town.

**Impacts and Mitigation**

Based on the Planning Board's review of Environmental Assessment Form ("**EAF**") Parts 1 and 2, the submitted documentation, and public comments, the Planning Board determined the Original Project found six positive SEQRA declarations during its review of February 19, 2019 Hidden Estates Application (collectively, the "**Planning Board Impacts**"). All verbal and written public comments (collectively, the "**Public Information Comments**") received as part of the September 19, 2017 Public Information Meeting (the "**September 2017 Comments**") which are incorporated into the Planning Board Impacts and all of which, together, are summarized in the following general concerns. Exhibit 2 is a summary of the concerns as outlined in the Scoping Document prepared for the Draft Environmental Impact Statement for the Hidden Estates Subdivision dated May 24, 2019. Exhibit 3 sets forth a summary of and response to the Public Hearing Comments. The following is a summary of each impact as outlined in Exhibit 2.

**Concern 1. Magnitude of Excavation on Steep Slopes and Creation of Steep Slopes**
The Board is concerned about the amount of earth to be excavated and the relocation of the material in order to make the conservation density road compliant with code and satisfy design requests made by the former Town Fire Chief and some Planning Board members.

**Summary**

1. The current access is a shared driveway without the same standards as a road;
2. To conform with conservation density subdivision road standards, the road slope needs to be reduced. This requires lengthening the road;
3. To widen the road beyond the code requirements of a conservation density private road to the extent requested by the Planning Board, the northeast bank needs to be cut back.

**Issues to be Addressed**

1. Review the Conservation Analysis findings which identified the areas of "high conservation value" in order to quantify the amount of such areas, both in absolute area and as a percentage of the total land identified as "high conservation value", that will be excavated, per the Board's concern in 1b.;
2. Calculate the amount of area where existing slopes will be reduced, as compared to the amount of area where slopes will be increased;
3. Consider alternative road design to reduce magnitude of excavation;
4. Consider appropriate variances to the road design with mitigating safety enhancements, to reduce magnitude of cut;
5. Comparison of this Project's cut/fill to other Projects similar in scope in the Skaneateles Lake watershed.

**Proposed Solutions for EIS**

1. Study options and alternatives to road design;
2. Explore alternative access points;
3. Study options for side slopes to reduce magnitude of excavation.

1. *Study options and alternatives to road design*

As part of the "Original Design" an alternative design was submitted. The private driveway as it currently exists was not the Sponsor's original design proposal for the current private driveway. The Sponsor agreed to the current design after consultation with the former Town engineer, Doug Wickman. During the design review process in 2010, engineering review comments insisted that the driveway be made steeper than the Sponsor had proposed, resulting in the current maximum grade and significant cut into the bottom of the natural hillside. Then in September 2017, the Sponsor asked the Planning Board to accept the existing driveway "as-is" in exchange for the Sponsor including the large Lot 11 in the Conservation Density Subdivision proposal, forfeiting any additional development rights on the entire property. Meeting minutes show that the Sponsor was told that "the revised idea is a reasonable approach." Over the subsequent 17 months, the Board revisited their position of that initial assessment, noting that they preferred a design proposal that "meets code" before ultimately settling on a design that is approximately 40% wider than the minimum width specified by current code. In addition, neighbors have voiced concerns over the current private driveway's perceived safety, navigation and maintenance. Significant thought and effort have gone into the current conservation density road design, including alternate road geometry, alternate routes and consultation with the local fire department chiefs. The current proposal exceeds code (eighteen (18) feet in width as proposed versus thirteen (13) feet per code

and not exceeding twelve percent (12%) in grade) and significantly increases the safety, navigation, and maintenance over the current configuration by among other enhancements, re-banking the road curve and adding guiderails where needed.

One notable alternative, identified as Alternative 4 in the "ALTERNATIVES" Section, below, is a modification of the original proposal, which the Planning Board accepted for over a year, to widen the existing driveway, add guide rails where needed on both sides, install signage, and most importantly, pitch the curve at the bottom toward the inside instead of the outside. Combined with significantly reduced excavation compared to the Proposal, earthwork would be reduced by approximately 90% and the driveway would be very close to the 12% slope per code. The Sponsor continues to advocate for this solution mainly because the original intent of a Conservation Subdivision was to decrease the amount of infrastructure required. This can be done while keeping safety paramount. This alternative was ultimately rejected by the Planning Board.

2. *Explore alternative access points*

The Sponsor has attempted to provide alternative access to the parcel through every bordering property; no adjoining property owner was willing to provide access through sale, lease or easement. The Planning Board has acknowledged that this is not a feasible alternative.

3. *Study options for side slopes to reduce magnitude of excavation*

It should be noted that the areas considered side slopes where work will be performed on the new conservation density road contain no mature trees in the area to be excavated. All areas to be excavated will be revegetated, as detailed by the Sponsor's engineer at the meeting on January 22, 2019. Therefore, any impact will be temporary and mitigated.

Construction will not involve an extensive part of the steep slope identified in the Conservation Analysis as land of high conservation value. The submitted conservation analysis (provided as Exhibit 4), a compilation of findings from two separate analyses from two separate firms, did not attribute a "high conservation value" to this area. The Sponsor agreed to designate a "high conservation" status to some of the slope near the road at the request of a Planning Board member; however, design professionals did not consider these areas to be of "high conservation value".

Typical engineering practice considers a 3:1 horizontal to vertical slope as "mowable" and stable. In the current proposed road plans, areas of the road side slope were reduced to 1:1 horizontal to vertical. This significantly reduces the impact to existing

sloped areas by reducing the amount of disturbed area. However, it should also be noted that "existing" sloped areas were previously disturbed as part of the construction of the private drive in 2014. The 1:1 side slopes proposed as road embankments will be treated with the LANDLOK 450 Turf Reinforcement Mat, manufactured by Propex Geosynthetics for slope stability or an approved equivalent. This will allow for revegetation of the minimized disturbance areas while providing long-term stabilization of the slope. It should also be noted that LANDLOK has been recognized by the EPA as the most effective form of erosion control. Product data sheets have been provided in Exhibit 5.

**Concern 2. Potential for Erosion and its Potential for Impact on Lake Water Quality**
Here, the Board is concerned with removal of vegetation and its replacement; the potential for loose earth or shale to be swept into the Lake; storm water runoff control; and, the time of exposure of newly cut earth to the elements, and the potential for resulting erosion.

**Summary**

1. Slopes exceeding 15% exist, however the road construction does not disturb land determined to be of high conservation value by the Conservation Analysis;
2. There are no mature trees in the area to be excavated;
3. All areas to be excavated will be secured by landscape glue products that bind the exposed earth within hours of being applied;
4. All areas will be revegetated, as detailed by the Sponsor's engineer at the meeting on January 22, 2019.

**Issues to be Addressed**

1. Cut time of exposure;
2. Exposed earth;
3. Revegetation, including how slopes will maintain vegetation;
4. Comparison of this Project's cut/ fill to other Projects similar in scope in the Skaneateles Lake Watershed.

**Proposed Solutions for EIS**

1. Sponsor's engineer will submit written policy and procedure for cut process, specifying maximum cut exposure time, and name of landscape products to be used to secure loose earth before established time elapsed, and name of products to be used to revegetate the areas;
2. The Sponsor's engineer has provided Board with detailed calculations of peak storm water runoff rates before and after the existing driveway and storm water system were installed to demonstrate that peak storm runoff has already been

mitigated significantly and is capable of handling the Project runoff. Town engineer has confirmed the calculations.

NOTE: Regarding item 1h., The Board cited concern over the potential impact on Skaneateles Lake, based upon the modification of steep slopes to create additional steep slopes, in proximity to the lake. Issues, Review and Solution.

1 *Sponsor's engineer will submit written policy and procedure for cut process, specifying maximum cut exposure time, and name of landscape products to be used to secure loose earth before established time elapsed, and name of products to be used to revegetate the areas;*

Possible impacts from runoff and other risks to water resources such as cut and fill operations during construction of the Project will be mitigated through the creation, approval and implementation of a Storm Water Pollution Prevention Plan ("SWPPP") as part of the SPDES General Permit for Storm Water Discharges from Construction Activity. The SWPPP, which must meet the standards established by the DEC, will be reviewed and approved by the Town Engineer, and will detail the erosion and sediment control measures to be followed during and after construction. Weekly inspections of the erosion and sediment control measures during construction activities are required as part of the SPDES permit. Any issues identified during an inspection will be corrected as required under the permit. Presented in Exhibit 6 are excerpts from the SWPPP and other notes that will be included on the contract drawings for the Project. These excerpts include procedures for cutting, filling and stabilizing earth and controlling erosion during construction. The procedures are outlined to ensure the owner and contractor work in a fashion that is compliant with the NYSDEC "SPDES General Permit for Storm Water Discharges from Construction Activities", which will be required to be obtained for the Project. The requirements for these activities, outlined in the SWPPP are based on guidance provided by the United States Department of Agriculture (USDA)- Soil Conservation Service (SCS) "NYS Standards and Specifications for Erosion and Sediment Control.

As noted in Section 12,0, page 16 of the prepared SWPPP Report under "Site Stabilization", the contractor shall initiate stabilization measures as soon as practicable in a portion of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days. It should be noted that the earthwork analysis provided by Brillo Excavating, see Exhibit 7, estimates that the proposed road construction will result in approximately 18,000∓ CY of cut.

*2. The Sponsor's engineer has provided Board with detailed calculations of peak storm water runoff rates before and after the existing driveway and storm water system were installed to demonstrate that peak storm runoff has already been mitigated significantly and is capable of handling the Project runoff. Town engineer has confirmed the calculations.*

Calculations as well as correspondence with the town engineer regarding those calculations are provided as Exhibit 8.

The proposed construction of the road will be mitigated within the existing storm water system through proposed modifications of the outlet control. The proposed Site Plan documents and SWPPP report will be submitted to the Town Engineer for formal review and approval and will show details and construction materials required to be performed to meet storm water management requirements. It should be noted that each lot will contain individual storm water systems to be designed and approved under a separate site plan review by the Town engineer for each lot. As noted in the calculations provided in Exhibit 8, the outflow of the existing storm water system will be reduced by 3-10%, depending on the storm event. The latest correspondence with the Town Engineer on 08/21/2018 noted that he had no additional comments regarding engineering review at that time. See Exhibit 9.

*NOTE: Regarding item 1h., The Board cited concern over the potential impact on Skaneateles Lake, based upon the modification of steep slopes to create additional steep slopes, in proximity to the lake. Issues, Review and Solution.*

This item/note was addressed under Concern 1, above.

**Concern 3. Impact of Project on View**

Here, the Board is concerned with both summer (vegetation in full bloom), and winter (bare trees) views as seen from the road and the lake, and as perceived by both year-long residents and seasonal visitors.

**Summary**

1. A road already exists in the proposed location;
2. Issues of visibility as seen from the lake will be improved by the addition of screening vegetation and a sunken road bed.

**Issues to be addressed**

1. Assessment of view impact.

**Proposed solution for EIS**

1. Sponsor will explain in detail how it will restrict the height of all homes, with those closest to the lake limited to a single story;
2. Sponsor will present deed restrictions proposed to manage appearance of new homes;
3. Comparison of impact of other Projects to Skaneateles Lake view;
4. Applicant will provide an engineer-designed 3D rendering of how the new road will appear. That rendering can then be compared to the existing landscape;
5. Sponsor will accept input from the Board and other stakeholders as to landscape additions it would like to see to help hide the road.
6. Sponsor will provide a planting plan for the west-facing bank of the road.

*1. Sponsor will explain in detail how it will restrict the height of all homes, with those closest to the lake limited to a single story.*

A goal of the subdivision is to provide each homesite a view of the lake, working with the natural grades of the land and natural vistas to the south, west and north. To that end, the building envelopes have been carefully placed on each lot to afford such views and while the zoning law permits 35-foot high structures, lots 3, 4, 6 and 8 will be restricted by deed to maximum roof heights that are no more than 25 feet above the median elevation of the building envelopes. This will allow the construction of a one-story or cape-style home with the possibility of a daylight or walk out basement and not Project into the major sight lines from home sites behind these lots. In addition, it will reduce the mass of the home as viewed from across the lake and seen against the existing hillside, unlike other subdivisions built within the Town.

*2. Sponsor will present deed restrictions proposed to manage appearance of new homes*

By establishing maximum deed restricted building heights tied into the USGS Vertical Datum, there can be no misunderstanding of the intended height restriction or manipulation of the natural grade to circumvent compliance with this self-imposed limitation. This will prevent an odd house from standing out and be seen as out of character with the final constructed residential cluster as viewed from across the lake or within the neighborhood. It will also prevent one lot from competing with another lot to overcome obstructions created downhill. Lots 3, 4, 6, and 8 will have rooftop deed restrictions allowing a height not to exceed 25’ above the median elevation of the building envelope as determined by the Sponsors design professional.

3. *Comparison of impact of other Projects to Skaneateles Lake view*

Previous approved major subdivisions within the Lake Watershed have not had the level of review or consideration to visual impact that this Project has had and yet have been

compared to this Project in the negative. Minimal vegetation will be removed and the ridgeline vegetation will be maintained. The Loveless Farm subdivision had proposed major changes to the natural grade to achieve an artificial lower height for proposed houses being built on slopes greater than 12%. This Project has no building envelopes within the 12% or greater sloped areas.

This is a low-density residential project in an area of low-density residential dwellings. The approximately 5-mile stretch of East Lake Road that runs alongside the eastern shore of Skaneateles Lake from south of boundary of the Village of Skaneateles to 5 Mile Point Road can only accurately be described as a residential road, with more than 150 residential homes within 75 feet or so of East Lake Road, in direct view of people who use the road, with most having driveways directly connected to East Lake Road. There are an additional 30 or so homes to the east of East Lake Road with a setback greater than 75 feet, but that are still visible from users of East Lake Road. Most of these homes are also inside the littoral zone of the lake.

As viewed from the Lake itself, between 5 Mile Point Road and the southern boundary of the Village of Skaneateles, another 160 or so homes are situated on the lake shore, completely visible from users of the lake. Combined with the previously-detailed count of homes along East Lake Road, this is more than 340 residences that may be seen by recreation users of Skaneateles Lake along this 5-mile stretch of land, viewed from East or West Lake Roads or the Lake itself.

2. *Sponsor will provide an engineer-designed 3D rendering of how the new road will appear. That rendering can then be compared to the existing landscape;*
See Exhibit 10.

3. *Sponsor will accept input from the Board and other stakeholders as to landscape additions it would like to see to help hide the road;*
A planting plan is provided in the site plan set, drawing C-6, Exhibit 11. Horticulturalist from Musser Forests has suggested the native plant Rosa rugosa which has a summer flower and, while not evergreen, is so dense as to provide winter shielding. Rosa rugosa matures at 6’ to 8’ in height and diameter. It will be planted on 3’ centers to provide year-round shielding. It thrives in low-nutrient clay and shale soils.

4. *Sponsor will provide a planting plan for the west-facing bank of the road;*
A planting plan is provided in the site plan set, drawing C-6, Exhibit 11.

**Concern 4. Amount of Earth Being Moved on “Sensitive Steep Slope”**

**Summary**
The proposed alterations to the road require moving a substantial amount of earth from the road area up to lot 11.

**Issue to be Addresses**
1. Description of action and impact to Lot 11, including area, depth, and alteration.
2. Is there a way to reduce the impact inherent to moving earth?

**Proposed Solution for EIS**
1. Sponsor's engineer to explain in detail how the operation will take place, including steps to be taken to control erosion, mitigate inconvenience to those who regularly use the driveway during the period of construction, and expected time frame from start to finish;
2. Sponsor's engineer will also identify alternates such as haul away of fill instead of on site placement;
3. The Sponsor and the Board acknowledge that this item will likely be addressed by the responses to Concern #1.
4. Discuss alternatives and mitigation measures.

1. *Sponsor's engineer to explain in detail how the operation will take place, including steps to be taken to control erosion, mitigate inconvenience to those who regularly use the driveway during the period of construction, and expected time frame from start to finish*

RZ Engineering, PLLC has prepared a written Conservation Road Construction Sequence Exhibit 12 and phasing plans Exhibit 13 in addition to the construction sequence to be provided as part of the Project's Storm Water Pollution Prevention Plan ("SWPPP") and SPDES General Permit for Storm Water Discharges from Construction Activity. This written Conservation Road Construction Sequence is accompanied by three phases of construction figures which visually depict which sections of the road are to be constructed in which order. There will be minimal disruption to residents using the existing private driveway (approximately 2-3 working days) and the contractor will ensure that all times residents will have access to their properties. The conservation density road construction will last approximately two months; weather-dependent. House construction on all lots may take 4 years to build out. The Sponsor estimates 3 lots to be sold per year.

2. *Sponsor's engineer will also identify alternatives such as haul away of fill instead of on site placement*

RZ Engineering, PLLC has prepared a chart comparing three alternates (utilizing the existing private drive, construction of the new conservation density road placing fill on

site and construction of the new conservation density road hauling fill away). Each alternative lists the amount of material to be cut and filled and associated construction activity with each.

| Road Alternatives | Approximate amount of overall cut (CY) | Onsite spoil amount (CY) | Haul Away amount (CY) |
|---|---|---|---|
| **Utilize existing road with proposed safety measures (as depicted in 2/8/19 SK-1 and SK-2 drawings)** | 300 | 300 | 0 |
| **Proposed 18 ft road at 12% max per Site Plans, placing fill on site** | 18,000 | 18,000 | 0 |
| **Proposed 18 ft road at 12% max per Site Plans, hauling fill away.** | 18,000 | 0 | 18,000 |

*3. The Sponsor and the Board acknowledge that this item will likely be addressed by the responses to Concern #1;*
Please see Concern #1 responses for impacts and mitigation.

*4. Discuss alternatives and mitigation measures;*
The Sponsor has exhausted all alternatives and would prefer to utilize the existing road with proposed safety measures (as depicted in 2/8/19 SK-1 and SK-2 drawings). This alternative would result in almost no disturbance and therefore would cause minimal concern and necessitate minimal mitigation.

The Sponsor's original proposal to widen the existing private driveway and add additional pullouts and guide rails would have created almost zero disturbance. In the ALTERNATIVES Section, below, Alternatives 2, 3, 4 and 5 all significantly reduce the amount of earth being moved, which is the best way to reduce the impact from moving earth. Alternative 5 meets code. All of these Alternatives, including Alternative 5 which meets code, were rejected by the Planning Board.

**Concern 5. Potential for Existing Project to Inspire Similar Future Projects on Steep Slopes.**

The Board is concerned that the proposed action could spur future similar actions on steep slopes.

**Summary and Issue to be Addressed**
The Sponsor will describe how the Project meets code. Each Project does need to be assessed on its own merits.

**Proposed solution for EIS**
1. *The Sponsor will review how this Project is compliant with current Code. If the Town is dissatisfied with current code, the Sponsor encourages the Town Board to propose new code making the adjustments they would like to see for future Projects;*

This Conservation Density Subdivision has been designed to comply with or exceed all the requirements of the Conservation Density Subdivision Regulations including the design standards for the Conservation Density Road (33-foot minimum right of way is exceeded, 13-foot minimum width of traveled way is exceeded, 50-foot minimum radius of horizontal curves is exceeded, 100-foot minimum length of tangents between reverse curves is exceeded, minimum grade of 1% is exceeded, and maximum grade of 12% is met), Lot size and Density and Emergency Vehicle access. The Project sets new standards for on-site water sources for firefighting. The required density is 6 acres per lot while this subdivision is approximately 9 acres per lot. Furthermore, the home sites are clustered in the open meadow areas and the conservation areas adjoin adjacent conservation land, active agricultural land and open space. The high conservation lands have been preserved in perpetuity.

**Concern 6. Potential for an Access Easement to be Construed as Shared Lakefront Recreation**
The Board is concerned that the existing access easement will become equivalent to shared lakefront recreation. The Board fears that this will spur future developments with the same feature.

**Summary and Issue to be Addressed:**
1. Review language of shared lakefront recreation;
2. Review other lake access applications in the Town and their impact on the lake.

**Proposed solution for EIS**
1. The Sponsor will compare the use of the lake access easement to access the lake versus accessing the lake via existing public access points.

2. The Sponsor will propose approving the Application with the explicit, written, mutually-agreed contingency that shared lakefront recreation is not part of the application and will not be permitted;
3. If the Town is dissatisfied with the current code, the Sponsor encourages the Town Board to propose new code making the adjustments they would like to see for future Projects

1. *The Sponsor will compare the use of the lake access easement to access the lake versus accessing the lake via existing public access points*

Limited Public Access points exist around the lake. Most, but not all, have parking spaces available for the public using the access points. Many of the access point are for entering the lake or launching boats/watercraft but not for associated recreation on the land adjacent to the lake. The lot located across East Lake Road from the subject parcel has an established deeded lake access that could be available for residents of this subdivision. Limited parking has been provided at the western end of this subdivision and the lots are within easy walking distance to the lake access point. While available for lake access, these access points are to be used on a limited basis.

2. *The Sponsor will propose approving the Application with the explicit, written, mutually-agreed contingency that shared lakefront recreation is not part of the application and will not be permitted*

Shared Lakefront Recreation is a very specific use that is defined in the Skaneateles Zoning Law Section 148-56 and 148-36C. It is the use of privately-owned lakefront LAND for recreational purposes by members of a homeowners' association by deeded access rights. This is not being proposed as part of this subdivision application; there is no proposed or hypothesized right to use the lakefront land for recreational purposes. See Exhibit 22 for the easement language in which there is no lakefront land recreation contemplated and it is explicitly stated, "The Easement is non-exclusive granting a right of passage and use for pedestrian ingress and egress only."

Additionally, see Exhibits 23 and 24 for meeting minutes of both the Planning Board and the Skaneateles Zoning Board of Appeals from 2011-2012 in which both Boards acknowledge the existence of the lake access easement as a "lake access easement", and the validity of the easement in their deference to it, and their requirement that Marchuska honor it as a condition of his approvals.

*3. If the Town is dissatisfied with the current code, the Sponsor encourages the Town Board to propose new code making the adjustments they would like to see for future Projects*

The current zoning law does not define "Lake Access" nor does it have any regulations

pertaining to Lake Access. Should the Town feel this is an area of land use that should be defined and regulated, it should make appropriate amendments to the current Zoning Law.

**Alternatives**

The Sponsor's application has undergone numerous modifications and adjustments during the five-year review process with the Planning Board to address and mitigate concerns identified by the Sponsor, the Town, and the public, resulting in the Final Design.

Alternate uses, with Planning Board approval, allowed under the current RF zoning for the Project Site include various business alternatives. Given the nature of the vicinity, neither apartment buildings nor light industry would feel appropriate. Also, the lack of public water and sewer limits the light industrial and business uses suitable for the Project Site. Furthermore, any commercial use of the land would be limited to a 6,000 SF building footprint or 10,000 SF footprint if it is for the training of animals.

A zone change to a more commercially-favorable zone also does not fit the Project Site for the same reasons as a commercial use in the current RF zone. In addition, a zone change would not conform to the surrounding zoning and would not have been favorably received by the Town.

The size of the Project Site, when compared to modern day farms, renders use of the Project Site for agricultural purposes undesirable. The quality of the soil types are not conducive for traditional agricultural crops without the application of significant quantities of fertilizers. In addition, this alternate use does not reflect the need for the Project as expressed by the Sponsor.

In contemplating the Project Site layout, design, and economic viability, several combinations of alternative uses and square footages were considered, including a conventional subdivision and several open space subdivision designs. As detailed in this FEIS, the Sponsor has developed the Final Design, a conservation density subdivision that requires a simpler road design and that preserves the existing views of the Lake from West Lake Road and significantly mitigates or, in most cases, eliminates the alleged and possible Project impacts.

In the ALTERNATIVES Section, below, Alternative 1 discusses the best agricultural use of this parcel. Active viticulture using the existing private driveway is a permitted and viable alternative.

However, it has a significantly greater negative environmental impact to the community and lake's water quality than the impact of the self-contained (on-site), one-time earth movement required to meet the Planning Board's specifications for the private road for Sponsor's proposal.

- The existing soils are poor for the viability of traditional agricultural crops suited to this region. The slopes and soils would be expected to produce high-quality wine grapes, but the high annual nutrient supplementation and pesticide application required for wine grapes is a repeated annual negative impact. The resulting perpetual agricultural runoff would be detrimental to the lake's water quality.
- Clearcutting the eastern high-conservation value area—a portion of the parcel with good soils that could support traditional crops—in order to resume agriculture would have a vastly more significant visual impact than the proposed road and homes. The visual open scar created would be in stark contrast to the vegetated adjoining areas of the neighboring parcels.
- The *annual* tilling of acreage a multiple of size the 9.98 acres that are subject to a one-time disturbance under this proposal would produce exponentially more soil runoff over time than that which could result under this proposal, and would require no mitigation.
- The addition of a wedding venue permitted under "Ag-Tourism" would create more use of the existing driveway than what would be used by the proposed conservation density road under the proposal for 8 additional lots

The Sponsor's original proposal to widen the existing private driveway and add additional pullouts and guide rails would have created almost zero disturbance. In the ALTERNATIVES Section, below, Alternatives 2, 3, 4 and 5 all significantly reduce the amount of earth being moved, which is the best way to reduce the impact from moving earth. Alternative 5 meets code. All of these Alternatives, including Alternative 5 which meets code, were rejected by the Planning Board.

## DESCRIPTION OF THE PROPOSED ACTION

### Project Description

The property that is the subject of the Final Design comprises approximately 80.92-acres of agricultural and wooded land, is located wholly on the eastern side of East Lake Road, at 2984 East Lake Road, south of Coon Hill Road, in the Town of Skaneateles (the "**Town**"), Onondaga County, New York State. The property bears Tax Map Number 036.-01-37.1 (the "**Project Site**"). As shown on the 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., the Sponsor proposes to develop the Project Site into a 9-lot Conservation Subdivision with an average of 8.78 acres per lot, including redevelopment of a private driveway to a conservation density subdivision private road to serve a total of 12 residential lots, and minor alterations to existing storm water management facilities (such improvements, collectively, the "Improvements" and such development together with the Improvements, collectively, the "Project") and is located in the Rural and Farming and Lake Watershed Overlay zoning districts.

The construction phase of the Project will cause an overall site the disturbance of approximately 9.98± acres of land, of which 3.4± acres of disturbance will be caused by the proposed road modifications, and the remaining 6.6± acres encompass total disturbance of the proposed building lots (driveway, leach fields, etc.). A detailed description of the Project was previously outlined above in this document.

While specific plans for the development of each of the residential building lots will be proposed by the future, individual lot owners, each of which will be subject to site plan review and approval by the Planning Board, the location of future residences within each lot will be restricted to defined "building envelopes" within each of the nine (9) proposed building lots. In addition, the building envelopes will have coverage area and height restrictions consistent with the bulk requirements in the Town Zoning Law. Similarly, the open spaces will be maintained through appropriate deed restrictions enforceable by the Town.

Access to each of the nine (9) residential building lots will be from a proposed Conservation Density Road (defined below) that will intersect with East Lake Road in the location of the existing private driveway to 2894 East Lake Road.

**Purpose**

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., the Sponsor proposes to develop the Project Site into a 9-lot Conservation Subdivision with an average of 8.78 acres per lot, including redevelopment of a private driveway to a conservation density subdivision private road to serve a total of 12 residential lots, and minor alterations to existing storm water management facilities (such improvements, collectively, the "Improvements" and such development together with the Improvements, collectively, the "Project") and is located in the Rural and Farming and Lake Watershed Overlay zoning districts.

**Project Schedule**

The total duration of the road construction under this Project from start to finish is estimated to last two months. The duration of home construction on the resulting lots will be determined by the rate at which the lots sell, which unknown.

**Project Relationship to Local/Regional/State Zoning/Plans/Programs**

The Project Site and surrounding area are zoned Rural and Farming ("RF") and Lake Watershed Overlay zoning districts, which classification, per the Town zoning code, has the purpose of promoting agriculture and compatible open space uses by discouraging large-scale, residential development and those forms of commercial development that might conflict with agricultural use, while allowing small-scale, clean-industrial and service uses that complement agricultural enterprises. Notably, single-family residences are a use permitted by right in the RF zone.

The Town encourages Sponsors to use conservation density subdivisions as an alternative to conventional subdivisions in the RF zone. A conservation density subdivision results in the preservation of contiguous open space and important environmental resources, while allowing greater density and more development for flexibility than is allowed for in conventional subdivisions. The Final Design is a conservation density subdivision, which meets the zoning regulations.

The Project Site is within the Town's Lake Watershed Overlay District and subject to the associated zoning regulations.

The Project is also subject to review under the Town's Joint Comprehensive Plan of 2015, the Onondaga County Planning Board, the 2010 Development Guide for Onondaga County, and the City of Syracuse's Land Protection Plan for the Skaneateles

Lake Watershed.

**Authorizations, Approvals and/or Permits**

The following authorizations, approvals and/or permits are required for this Project:

1. *Planning Board:* Subdivision Approval

2. *OCHD:* Approval for Individual Wastewater Treatment Systems

3. *City of Syracuse:* Individual Wastewater Treatment Systems for septic systems located within the Skaneateles Lake Watershed

4. *DEC:* State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharge from Construction Activities

**Public Needs and Benefits**

The Project provides building lots in an environmentally-appropriate manner with large contiguous conservation areas that are more appropriate for development in the Lake Watershed as opposed to the sprawling development along the existing state highway. The Project creates lower density housing, a desired goal of the Town, than the maximum density allowed by Code, and the Alternative 6, 17-Lot Open Space Subdivision outlined in the ALTERNATIVES Section, below. The Conservation Subdivision allows infrastructure that is appropriate for a limited number of home sites. This is a comprehensive plan rather than a number of minor subdivisions along existing roads without a master plan, characterized as "death by a thousand cuts" as has been the practice in the Town.

## ENVIRONMENTAL SETTING

The Project Site topography gradually rises about 242-feet in elevation from west to east. Elevation ranges from approximately 878-feet above mean sea level at the western boundary with East Lake Road, to approximately 1,120-feet above mean sea level at a high point along the eastern boundary of the Project Site. The Project Site vicinity consists of fallow farm land, wooded land and residential land.

Slopes in excess of 12% cumulatively cover approximately 3-acres, or 10%, of the Project Site. As defined by Town Code Section 148-56, "buildable land" excludes areas with slopes in excess of 12% yet the zoning law permits construction within area that are between 12% and 30% slope with Site Plan Review and an appropriate erosion control plan in place. The primary vegetative communities on the Project Site include forestland, brush and fallow field (former agriculture). Other communities present include residential uses for lots 1 and 2 of the Hidden Estates Subdivision south of the Project Site and disturbed/developed land along East Lake Road. All communities present on the Project Site are common to New York State. Brief descriptions are below for each of the primary ecological communities in the area.

*Active Agriculture:* Crops may include corn, beans, wheat and hay. Wildlife species observed within agricultural lands include white-tailed deer, eastern coyote and various bird species, such as red-tailed hawk and eastern wild turkey. There are, of course, other small mammals, reptiles and amphibians scattered throughout the area.

*Forestland:* Woods and treed hedgerows occur throughout the Project Site and the surrounding area and contain trees with a diameter at chest height in excess of 12 inches. Dominant or co-dominant tree species include sugar maple, basswood, black

cherry, white ash, and American beech. Mid-story sized trees include eastern hophornbeam and saplings of overstory trees. The shrub layer is relatively sparse with the forestland, but is thick with buckthorn, dogwoods, and honeysuckle along treed hedgerows. Forest herbs include white trillium, meadow rue, and false Solomon's-seal. Bird species observed in forestland habitat include, rose-breasted grosbeak and red-bellied woodpecker. Other wildlife species observed within forestland habitat include eastern chipmunk, eastern grey squirrel, and white-tailed deer.

One of the two mapped forestland communities contains trees with a diameter at chest height of 12 inches or greater. The large portion of forestland contains trees that are mature and have the potential to provide habitat and food for different wildlife species. However, no rare, threatened or endangered plant or animal species were observed or known to be in the Project Site.

Soil information was obtained from the Natural Resources Conservation Service. The Web Soil Survey (Exhibit 14) indicates onsite soils are predominantly Angola-Darien Silt Loam, Aurora Silt Loam and Aurora- Farmington soils.

The Project Site is located within the Skaneateles Lake Watershed, which covers an area of 59-square miles within Onondaga, Cayuga, and Cortland Counties. There are no primary water features on the Project Site and no mapped Federal wetlands or DEC-mapped freshwater wetlands within the Project Site.

No historic or archaeological sites identified in the Town and Village of Skaneateles Joint Comprehensive Plan are located on the Project Site. Furthermore, according to the New York State Historic Preservation Office ("**SHPO**") online database, no State or National register listed sites, or National register eligible sites, or districts occur on the Project Site.

The Project Site and surrounding area are not within a SHPO archaeologically sensitive zone. SHPO provided a response to an RZ Engineering inquiry in 2013, and concluded that *"the proposed subdivision will have no impact on cultural resources in or eligible for inclusion in the State and National Register of Historic Places"* (Exhibit 15).

There are no Critical Environmental Areas ("**CEAs**") in the vicinity. The nearest CEA is located over 8-miles away in the Town of Camillus.

Per the DEC Division of Fish, Wildlife and Marine Resources, there are no records of rare or State-listed animals or plants or significant natural communities at the Project

Site or in the immediate area.

The United States Fish and Wildlife Services *Information, Planning and Conservation System* website was consulted to determine Federally-listed threatened or endangered species that have been documented in Onondaga County. The following species were identified:

Plants: American Hart's Tongue Fern

Animals: Indiana Bat, Northern Long-Eared Bat; Eastern Massassauga Snake

RZ Engineering, PLLC reviewed the Project Site with respect to known locations of species, site coverage, topography and uses, as well as the known habitats, activities and migrations of the species, and reported that an adverse impact is not anticipated on any of these species.

The Clean Air Act requires the United States Environmental Protection Agency ("**EPA**") to set National Ambient Air Quality Standards ("**NAAQS**") for pollutants considered harmful to public health and the environment. Regional sampling points, located 15 to 40-miles from the property, were within the acceptable levels established by the NAAQS for each tested parameter, including sulfur dioxide, inhalable particulates, carbon monoxide and ozone.

No local air monitoring data is available to further characterize air quality in the immediate vicinity of the Project Site. During construction, minor and temporary impacts to air quality may result from the operation of construction equipment and vehicles. Such impacts could occur as a result of emissions from engine exhaust and from the generation of fugitive dust during earthwork activities. The increased dust and emissions will not be of a magnitude or duration that will significantly impact local air quality. However, a dust control program will be implemented as necessary to control airborne dust that could be generated during earthwork activities (such as grading and excavation of foundations) and as vehicles travel over exposed soil. In addition, the contractor will be required to maintain construction equipment/mufflers in good working order to minimize exhaust emissions.

The Project will have no impact on air quality once construction is complete because the Project is not a commercial or industrial facility that results in emissions or pollution that requires an air permit, and the emissions from vehicular traffic associated with nine (9) new residences and the nonresidential conservation lot is considered negligible.

Public water and sanitary sewer systems do not exist in the immediate area. Existing residences in the area obtain drinking water from water wells or the Lake. Water for the Project will be provided by individual onsite drilled water wells. It is anticipated that the wells will be drilled to a depth of approximately 100-200 feet and yield a flow rate of 1 to 5 gallons per minute (gpm). The overall anticipated water usage from the nine (9) new residences is estimated to be 2,970 to 4,950-gpd, using a typical household usage between 330 to-550 gpd. Additionally, the Sponsor solicited expert opinions from local well drillers and a hydrogeologist in order to provide the Board with insight into the impacts of supplying potable water to nine (9) new residences. Well yield results from the Weaver property (lot 1) and Letters from Caster Well Drilling and GeoLogic regarding water availability are provided in Exhibit 16.

Individual onsite wastewater treatment systems will be provided for each lot. Final design has not been completed, and therefore a final approval from the OCHD and City of Syracuse has not been obtained, both agencies have indicated their concurrence that proper wastewater treatment systems can be designed and constructed, their approval pending final plans by a Professional Engineer.

Project construction will temporarily generate increased traffic levels, as construction vehicles and personnel travel to and from the Project Site. Construction traffic will generally be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Saturday. The increase in traffic is considered negligible and manageable.

Construction vehicle turnaround and stacking will be restricted, and will not be allowed on adjacent residential fire lanes or streets. Noise impacts will be minimized by requiring proper muffler equipment on vehicles, prohibiting truck drivers from using “jake” brakes (except in emergency situations) and prohibiting the excessive idling of vehicles.

There will be a slight increase in traffic following construction, associated with new residents traveling to and from their residences. According to DEC guidance (http://wunru.dec.ny.gov/permits/91776.html), the Project will result in a small impact (as opposed to a moderate to large impact) because “*the Project will add some level, but not substantial traffic to the area, and existing roads have the capacity to handle that level of traffic without reconfiguration.*”

## IMPACTS AND MITIGATION

### Environmental Assessment Form Determinations

The Planning Board completed a review of EAF Parts 1 and 2 (Exhibit 17), along with the Project documentation presented and comments from the public. Based on this, the Planning Board determined the following to be moderate to large impacts from Part 2 of the EAF as presented in the Planning Board's SEQRA Determination (Exhibit 18). The numbering system below follows that of Part 2 of the EAF with associated "concerns" for each SEQR item referenced to concerns outlined in the ***Impacts and Mitigation*** section above, and listed below.

*The Planning Board has found positive SEQRA declarations during its review of February 19, 2019 Hidden Estates Application. The positive declarations can be summarized as pertaining to six basic issues. The Board's concerns as follows:*

1. *Magnitude of excavation on steep slopes, creating steep slopes;*

2. *Potential for erosion and its potential for impact on Lake water quality;*

3. *Impact of new road and overall Project on view;*

4. *Impact on land. Amount of earth being moved on "sensitive steep slope";*

5. *Potential for existing Project to inspire similar future Projects on steep slopes;*

6. *Potential for an access easement to be construed as shared lakefront recreation.*

**1.b. <u>The proposed action may involve construction on slopes of 15% or greater.</u>**
The specific concerns (outlined in ***Impacts and Mitigation*** section) voiced by the board for this SEQR item include:

1. Magnitude of excavation on steep slopes and creation of steep slopes. Construction of the new roadway is upon varying percentage of slopes;
2. Potential for erosion and its potential for impact on Lake water quality.

Rationale for this determination of a moderate to large impact voiced by the Town Planning Board include:[1]

- 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 a part of the steep slope identified in the Conservation

[1]Listed rationale were taken from April 19, 2019 Scoping Document (Exhibit 2).

Analysis as land of high conservation value. Project includes 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.

***Discussion and Mitigation Measures Proposed:***

In accordance with NYS Law and in conjunction with the NYSDEC SPDES Phase II regulations for storm water discharge the Project will require the preparation of a Storm Water Pollution Prevention Plan or SWPPP. The SWPPP, which will be finalized as part of the DEC SPDES General Permit for Storm Water Discharges from Construction Activities, will include a section addressing the construction of the road and how it and it's impacted areas will be managed and treated for erosion control during construction. It should be noted that many areas that involve work on "Existing Steep Slopes" have previously been disturbed and some steep slopes have been previously created by the construction of the existing private shared driveway under previous Projects. In addition, the contract documents for the Project will include a construction sequence prepared by the engineer and contractor performing the work outlining how the road will be constructed. The Sponsor has proposed to use the LANDLOK 450 slope stabilization system (or approved equal) that quickly and effectively stabilize slopes steeper than 1H:3V. These products have been proven to minimize erosion and stabilize steep slopes for numerous construction conditions including those similar to our proposed 1H:1V slopes. The LAND LOK® TRM, by Propex Operating Company is a three-dimensional, lofty, stitch-bonded polypropylene geotextile which is specially designed for erosion control applications on steep slopes and vegetated waterways. The matrix is composed of a dense web of crimped, interlocking fibers featuring X3® technology positioned between two bi-axially oriented nets and mechanically bound together by parallel stitching with polypropylene thread. The material exhibits very high interlock and reinforcement capacity with both soil and root systems, demonstrates superior UV resistance, and enhances seedling emergence. Examples and additional information on this product is presented in Exhibit 5. The SWPPP must be reviewed and approved by the Town prior to Final Subdivision Approval. The technical review and approval for the Town of Skaneateles is completed by the Town Engineer, who has stated his opinion at the public meetings that a SWPPP meeting the DEC and Town standards can be prepared. The DEC SPDES General Permit for Storm Water Discharges from Construction Activities will contain the following inspection requirements during construction:

- For construction sites where soil disturbance activities are on-going, a qualified inspector shall conduct a site inspection at least once every seven calendar days.
- For construction sites where soil disturbance activities are on-going and

owner/operator has received authorization to disturb greater than 5 acres, a qualified inspector shall conduct a site inspection at least twice every seven calendar days separator by a minimum 2 full calendar days.

- For construction sites where soil disturbance activities have been temporarily suspended (winter shutdown) and temporary stabilization measures have been applied, a qualified inspector shall conduct a site inspection at least once every thirty days.

In addition, prior to lot development, each lot needs to have its own site plan approval conducted through the Planning Board. This provides the Board with an opportunity to review the measures taken during the public infrastructure construction and lot development, and to enforce these measures as each lot is developed.

Strict compliance and adherence with the Sponsor-prepared and Town-approved SWPPP and the proposed contract documents, along with implementation of the requirements and procedures outlined by the manufacturers of the selected erosion control products and construction inspections of the roadway will mitigate the impacts of the construction on steep slopes and any potential impact.

With respect to the area of disturbance due to the roadway and its side slopes and its conservation value. It should be noted that both Appel Osborne and EDR did not consider this area, that was less than 30% slope, as High conservation area. It was only added as high conservation value at the insistence of an individual Planning Board member. The area being disturbed is not considered high value conservation by any accredited professional, only by a board member, not a design professional.

It should be noted that the areas considered side slopes where work will be performed on the new conservation density road contain no mature trees in the area to be excavated. All areas to be excavated will be revegetated, as detailed by the Sponsor's engineer at the meeting on January 22, 2019. Therefore, any impact will be temporary and mitigated.

Construction will not involve an extensive part of the steep slope identified in the Conservation Analysis as land of high conservation value. The submitted conservation analysis (provided as Exhibit 4), a compilation of findings from two separate analyses from two separate firms, did not attribute a "high conservation value" to this area. The Sponsor agreed to designate a "high conservation" status to some of the slope near the road at the request of a Planning Board member; however, design professionals did not consider these areas to be of "high conservation value".

Typical engineering practice considers a 3:1 horizontal to vertical slope as “mowable” and stable. In the current proposed road plans, areas of the road side slope were reduced to 1:1 horizontal to vertical. This significantly reduces the impact to existing sloped areas by reducing the amount of disturbed area. However, it should also be noted that “existing” sloped areas were previously disturbed as part of the construction of the private drive in 2014. The 1:1 side slopes proposed as road embankments will be treated with the LANDLOK 450 Turf Reinforcement Mat, manufactured by Propex Geosynthetics for slope stability or an approved equivalent. This will allow for revegetation of the minimized disturbance areas while providing long-term stabilization of the slope. It should also be noted that LANDLOK has been recognized by the EPA as the most effective form of erosion control. Product data sheets have been provided in Exhibit 5.

Possible impacts from runoff and other risks to water resources such as cut and fill operations during construction of the Project will be mitigated through the creation, approval and implementation of a Storm Water Pollution Prevention Plan (“SWPPP”) as part of the SPDES General Permit for Storm Water Discharges from Construction Activity. The SWPPP, which must meet the standards established by the DEC, will be reviewed and approved by the Town Engineer, and will detail the erosion and sediment control measures to be followed during and after construction. Weekly inspections of the erosion and sediment control measures during construction activities are required as part of the SPDES permit. Any issues identified during an inspection will be corrected as required under the permit. Presented in Exhibit 6 are excerpts from the SWPPP and other notes that will be included on the contract drawings for the Project. These excerpts include procedures for cutting, filling and stabilizing earth and controlling erosion during construction. The procedures are outlined to ensure the owner and contractor work in a fashion that is compliant with the NYSDEC “SPDES General Permit for Storm Water Discharges from Construction Activities”, which will be required to be obtained for the Project. The requirements for these activities, outlined in the SWPPP are based on guidance provided by the United States Department of Agriculture (USDA)- Soil Conservation Service (SCS) “NYS Standards and Specifications for Erosion and Sediment Control.

As noted in Section 12,0, page 16 of the prepared SWPPP Report under “Site Stabilization”, the contractor shall initiate stabilization measures as soon as practicable in a portion of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days. It should be noted that the earthwork analysis provided by Brillo Excavating, see Exhibit 7, estimates that the proposed road

construction will result in approximately 18,000∓ CY of cut.

**1. f. <u>The proposed action may result in increased erosion whether from physical disturbance or vegetation removal (including from the treatment of herbicides).</u>**
The specific concerns (outlined in ***Impacts and Mitigation*** section) voiced by the board for this SEQR item include:

1. Magnitude of excavation on steep slopes and creation of steep slopes. Construction of the new roadway is upon varying percentage of slopes;
2. Potential for erosion and its potential for impact on Lake water quality.

Rationale for this determination of a large impact voiced by the Town Planning Board include:[2]

- 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., the Sponsors engineer, 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".

***Discussion and Mitigation Measures Proposed:***
The Town has defined a "steep slope" as a slope in excess of 12%. Existing steep slopes cumulatively cover approximately 18% of the existing site (calculation based on 14.7±-acres of land with slope over 12% within the 80±-acre Project Site). As part of the Final Design, the proposed site will disturb approximately 1.1± acres of the 14.7± acres of steep slopes, or 7.5%. Also as part of the Final Design, the new road will propose approximately 0.54± acres of steep slopes, or an approximate 3.7% overall increase on the site, see Exhibit 19.

It should be noted that the areas considered side slopes where work will be performed

[2] Listed rationale were taken from April 19, 2019 Scoping Document (Exhibit 2).

on the new conservation density road contain no mature trees in the area to be excavated. All areas to be excavated will be revegetated, as detailed by the Sponsor's engineer at the meeting on January 22, 2019. Therefore, any impact will be temporary and mitigated.

As previously noted in this document under SEQR item 1b, the SWPPP and Erosion & Sediment Control Plan will include a section addressing the steep slopes. The SWPPP must be reviewed and approved by the Town prior to Final Subdivision Approval. Excerpts from the SWPPP document were previously discussed above in this document and presented in Exhibit 6. In addition, soil stabilization measures are proposed for areas of concern that will temporarily and permanently stabilize slopes up to 1H:1V (or 100%).

After detailed discussion with the contractor selected to perform the work, the Sponsor's engineer has developed details phasing plans for management of the storm water runoff and erosion control measures for each phase. The Project will be broken into three phases. Each phase will have its own erosion control plan and specific Best Management Practices (BMP's) to manage construction, reduce soil loss and erosion and control storm water runoff. Preliminary phasing plans are presented as Exhibit 13. These phasing plans will be reviewed by the town as part of the review of the Sponsor's SWPPP which must be reviewed and approved by the Town prior to Final Subdivision Approval.

Construction will not involve an extensive part of the steep slope identified in the Conservation Analysis as land of high conservation value. The submitted conservation analysis (provided as Exhibit 4), a compilation of findings from two separate analyses from two separate firms, did not attribute a "high conservation value" to this area. The Sponsor agreed to designate a "high conservation" status to some of the slope near the road at the request of a Planning Board member; however, design professionals did not consider these areas to be of "high conservation value".

Typical engineering practice considers a 3:1 horizontal to vertical slope as "mowable" and stable. In the current proposed road plans, areas of the road side slope were reduced to 1:1 horizontal to vertical. This significantly reduces the impact to existing sloped areas by reducing the amount of disturbed area. However, it should also be noted that "existing" sloped areas were previously disturbed as part of the construction of the private drive in 2014. The 1:1 side slopes proposed as road embankments will be treated with the LANDLOK 450 Turf Reinforcement Mat, manufactured by Propex

Geosynthetics for slope stability or an approved equivalent. This will allow for revegetation of the minimized disturbance areas while providing long-term stabilization of the slope. It should also be noted that LANDLOK has been recognized by the EPA as the most effective form of erosion control. Product data sheets have been provided in Exhibit 5.

Possible impacts from runoff and other risks to water resources such as cut and fill operations during construction of the Project will be mitigated through the creation, approval and implementation of a Storm Water Pollution Prevention Plan ("SWPPP") as part of the SPDES General Permit for Storm Water Discharges from Construction Activity. The SWPPP, which must meet the standards established by the DEC, will be reviewed and approved by the Town Engineer, and will detail the erosion and sediment control measures to be followed during and after construction. Weekly inspections of the erosion and sediment control measures during construction activities are required as part of the SPDES permit. Any issues identified during an inspection will be corrected as required under the permit. Presented in Exhibit 6 are excerpts from the SWPPP and other notes that will be included on the contract drawings for the Project. These excerpts include procedures for cutting, filling and stabilizing earth and controlling erosion during construction. The procedures are outlined to ensure the owner and contractor work in a fashion that is compliant with the NYSDEC "SPDES General Permit for Storm Water Discharges from Construction Activities", which will be required to be obtained for the Project. The requirements for these activities, outlined in the SWPPP are based on guidance provided by the United States Department of Agriculture (USDA)- Soil Conservation Service (SCS) "NYS Standards and Specifications for Erosion and Sediment Control.

As noted in Section 12,0, page 16 of the prepared SWPPP Report under "Site Stabilization", the contractor shall initiate stabilization measures as soon as practicable in a portion of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days. It should be noted that the earthwork analysis provided by Brillo Excavating, see Exhibit 7, estimates that the proposed road construction will result in approximately 18,000∓ CY of cut.

With respect to the type of soil, it is anticipated that the Project will encounter topsoils, silts, loams and shale. Topsoils tend to contain more organics and generally solicit active vegetative growth over the long term which, generally prohibits erosion. Topsoils are used to cover other soils and are generally better at achieving vegetative cover. Therefore, the concern from erosion of these soils is low. Silts and loams generally contain smaller particles that are more susceptible to being moved downstream by

surface runoff. As a general practice these soils are used as general fill and are covered by topsoil for permanent stabilization. During construction, they are managed by the application of erosion control measures, typically outlined in the SWPPP for the Project. Typical measures include, straw mulch, Turf reinforcement mats, spray on erosion control products including tactifiers and similar methods until vigorous vegetative growth can be established. It should be noted that soil exposure during construction is typically unavoidable and that best management practices are used to minimize soil erosion not eliminate it. Shale is a form of rock which is typically fractured into pieces generally larger than soils. They are capable of being relocated by runoff but are generally heavier and not as easily transported as silts, loams or other types of soils. The potential for erosion of shale is anticipated to be lower than soils, generally.

In addition, each lot needs to have its own site plan approval conducted through the Planning Board prior to lot development. This provides the Planning Board with an opportunity to review the measures taken during the infrastructure construction and lot development, and to enforce the necessary measures as each lot is developed.

With regard to other issues of soil movement beyond construction, RZE researched issues such as possible landslides. The following historical landslide documents were reviewed for recorded landslides relative to the Project location:

- Onondaga County Multi-Jurisdictional Hazard Mitigation Plan; Syracuse-Onondaga County Planning Agency ("**SOCPA**"); April 2010, December 2011.

- New York State Department of Homeland Security and Emergency Services ("**NYSDHSES**") 2014 Mitigation Plan pertaining to landslides.

Based on these documents, there have been no reported landslides in the vicinity of the Project Site. This area of Onondaga County has a "low landslide incidence" rating and a "low susceptibility" for landslides. These documents also provide information that the Town of Skaneateles is listed as a "rare" probability of occurrence for ground failure.

The following slope failure mechanisms were considered:

- Slide: involving mass displacement of the till along curving or planar surfaces.

- Mud flow: involving water-saturated creep or flow of the Honeoye soil along the top of the till upslope of the construction areas, or on top of the till in the cut areas.

The Final Design has also proposed minimizing construction in any steep slope areas.

It should be noted that a significant portion of the steep slopes that will be impacted by the construction of the new conservation density road were either previously impacted or previously created by the construction of the current private driveway. Proposed road side slopes have been adjusted to 2H:1V and 1H:1V in some areas, instead of the standard 3H:1V which is considered mowable, to reduce impacts on existing areas considered steep slopes. The Final Design has also incorporated erosion control measures (noted under SEQR items 1b, 1f and 1h) that will further mitigate any areas of construction impacted by slopes and limit the duration of construction in these areas. Due to these proposed measures and construction sequencing we do not consider the occurrence of these mechanisms at the Project Site a significant risk.

The preparation of and adherence to the SWPPP, and the nature of the existing soils will mitigate the impacts of grading on the slopes.

**1. h. <u>Other impacts: Magnitude of Project in proximity to the lake.</u>**

The specific concerns (outlined in ***Impacts and Mitigation*** section above) voiced by the board for this SEQR item include:

1. Magnitude of excavation on steep slopes and creation of steep slopes. construction of the new roadway is upon varying percentage of slopes
2. Potential for erosion and its potential for impact on Lake water quality
3. Amount of earth being moved on “sensitive steep slope”

Rationale for this determination of a moderate to large impact voiced by the Town Planning Board include:[3]

- 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.

***Discussion and Mitigation Measures Proposed:***

The Final Design mitigates these concerns. In addition to the items and measures mentioned in SEQR items 1b, 1f and 1h the Project already has an existing storm water management facility. The existing facility is an infiltration basin. Runoff from the entire road enters this facility prior to any discharge to offsite areas. There has been some concern regarding operation and performance of the existing facility. On a recent field visit RZE noticed several discharges to this facility from adjacent properties. These additional discharges from adjacent properties are not designed to be managed by the

[3] Listed rationale were taken from April 19, 2019 Scoping Document (Exhibit 2).

Sponsor's storm water management facility. The design of the facility approved by the Town of Skaneateles and NYSDEC under the prior private driveway construction did not include these connections from adjacent properties. They add significant flows and contributory areas to the facility that decrease the effectiveness and performance of the facility. We have recommended to the Sponsor that all connections from contributory areas not designed to enter the facility be disconnected. An email sent from RZE to the Sponsor dated 2/28/19 has been provided as Exhibit 20 explaining the current condition which reduces the performance of the facility and engineering recommendations to return it to proper operating condition.

Based on calculations provided in Exhibit 21, the design of the existing storm water management facility is sufficient to handle the new conservation density road construction and adequately protect the lake from storm water discharges during and after construction. The existing storm water facility combined with additional erosion control protection measures outlined in SEQR items 1b, 1f, 1h and the recommendations in RZE's 2/28/19 email will mitigate the impacts of the construction on the lake.

This section of the EAF is intended to primarily address mining, and residential construction only in a peripheral way. It also generally excludes the construction of a water body (e.g. detention pond). An Erosion & Sediment Control Plan and a Grading Plan (located within Exhibit 1) have been prepared to address this question, detailing the actions to be undertaken to minimize erosion and sediment control issues. Prior to issuance of a building permit for any residence, the Town Engineer must review and approve both plans. In addition, the Erosion & Sediment Control Plan must meet the standards established by the DEC and include a detailed section on temporary and permanent soil stabilization procedures to be undertaken.

**3.e. <u>Proposed action may create turbidity in a water body, either from upland erosion, runoff or disturbing bottom sediments.</u>**

The specific concerns (outlined in ***Impacts and Mitigation*** section above) voiced by the board for this SEQR item include:

1. Magnitude of excavation on steep slopes and creation of steep slopes. construction of the new roadway is upon varying percentage of slopes
2. Potential for erosion and its potential for impact on Lake water quality

Rationale for this determination of a moderate to large impact voiced by the Town

Planning Board include:[4]

- Magnitude of the road and road cut, potential for erosion of steep slopes.

***Discussion and Mitigation Measures Proposed:***
The Planning Board created the problem of the magnitude of excavation on steep slopes by insisting that the road width exceed code by approximately 40%. As noted in SEQR items 1b, 1f, and 1h above, the preparation of and adherence to the town reviewed and approved SWPPP, construction sequence and Erosion & Sediment Control Plan will mitigate the impact of possible erosion issues resulting from the Project construction. In addition, an existing storm water management facility currently operating on site will provide additional protection against any impacts on the lake.

**3.h. <u>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.</u>**

The specific concern (outlined in ***Impacts and Mitigation*** section) voiced by the board for this SEQR item include:

1. Potential for erosion and its potential for impact on Lake water quality

Rationale for this determination of a large impact voiced by the Town Planning Board include:[5]
Magnitude of the road and road cut, potential for erosion of steep slopes, with known heavy water runoff from the site.

***Discussion and Mitigation Measures Proposed:***
The Planning Board created the problem of the magnitude of excavation on steep slopes by insisting that the road width exceed code by approximately 40%. As noted in SEQR items 1b, 1f, 1h and 3e above, the preparation of and adherence to the town reviewed and approved SWPPP, construction sequence and Erosion & Sediment Control Plan will mitigate the impact of possible erosion issues resulting from the Project construction. In addition, an existing storm water management facility currently operating on site will provide additional protection against any impacts on the lake. This facility has already significantly reduced the amount of runoff from historic levels.

[4] Listed rationale were taken from April 19, 2019 Scoping Document (Exhibit 2).
[5] Ibid.

**3.i. <u>The proposed action may affect water quality of water bodies within or downstream of the site of the proposed action.</u>**

The specific concern (outlined in ***Impacts and Mitigation*** section) voiced by the board for this SEQR item include:

1. Potential for erosion and its potential for impact on Lake water quality

Rationale for this determination of a moderate to large impact voiced by the Town Planning Board include:[6]

Downstream is the lake, which may affect water quality which is an unfiltered source of drinking water for the City of Syracuse.

***Discussion and Mitigation Measures Proposed:***

This is a misplaced concern. The Planning Board cites concern over the possibility of the contamination of Syracuse' drinking water from the proposed project, but far more polluting activities are permitted on the Lake: motorized water craft recreation, agricultural runoff, and human bathing, to name a few. It has recently been discovered that micro-plastics contaminate air, rain, and snow around the world. What this means is that all surface water should be filtered before being sold to human beings for their consumption. Syracuse' outdated choice to not filter surface water before drinking it is a problem that should be addressed in another venue. In light of these problems threatening drinking water quality, soil should be of minimal concern, but we are going to mitigate the concern.

As noted in SEQR items 1b, 1f, 1h, 3e and 3h above, the preparation of and adherence to the town reviewed and approved SWPPP, construction sequence and Erosion & Sediment Control Plan will mitigate the impact of possible erosion issues resulting from the Project construction. In addition, an existing storm water management facility currently operating on site will provide additional protection against any impacts on the lake.

**9.c. <u>The proposed action may be visible from publicly accessible vantage points: (i) seasonally.</u>**

The specific concern (outlined in ***Impacts and Mitigation*** section above) voiced by the board for this SEQR item include:

1. Impact of new road and overall Project on view

[6] Listed rationale were taken from April 19, 2019 Scoping Document (Exhibit 2).

Rationale for this determination of a moderate to large impact voiced by the Town Planning Board include:[7]

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.

***Discussion and Mitigation Measures Proposed:*** The question pertains to the impact as seen from officially-designated scenic or an aesthetic resource. That means, in this case, as seen from the Lake, as there are no other qualifying resources with a view to the property. The concern cited "11 potential homes", however the proposal is to subdivide an existing lot into 9 lots, creating the potential for 8 additional new homes.

The Design, by, among other things, the reduction of the number of proposed residential lots to 9, has sufficiently mitigated prior concerns regarding the view of the Project Site from publicly accessible vantage points. It should be noted that almost no one is on the Lake in fall and winter.

Examples of large impacts for this item as taken from the DEC EAF Workbook include:

- The Project results in a land use that is in sharp contrast to surrounding land uses seen from or in the scenic resource (the Lake).

- The Project is of a scale, color or dimension that will be highly visible from the publicly accessible scenic resource.

The Design has virtually eliminated the Project's visibility from publicly accessible vantage points. The road traversing the slope will not be visible from any perspective off the property. As it now exists, the road is already difficult to see.

Per the DEC EAF Workbook, a publicly accessible vantage point may be scenic viewing spots, identified road pull-offs and overlooks, parks and green road sections within a scenic byway (which West Lake Road is not) or other locally designated spots. Travelling along East Lake Road and viewing the subdivision does not meet this definition; therefore, the DEC Workbook provides no support for this classification of impact. Nevertheless, the Design will not block or obstruct the views of the Lake from any vantage point.

[7] Ibid.

Under the Design presented in this FEIS, no vantage point (Lake, across the Lake or East Lake Road) presents a view of the Project that is a “sharp contrast” to the surrounding land uses and the scale, color and dimension of the proposed Project residences will not be considered “highly” visible per the DEC Workbook. The DEC Workbook provides, with regard to Question 9 of the Full Environmental Assessment Form that: “Different or in sharp contrast” may mean bigger, taller, higher, more dense, an obviously different color or design, or where the landscape is significantly changed. For example, a Project that removes 10 acres of woodland on a completely wooded hillside is likely to result in a landscape that is in sharp contrast to current patterns. Or a 300-unit residential complex proposed on a parcel that is surrounded by large agricultural fields seen from a scenic byway would also be obviously different or in sharp contrast to the current residential neighborhood.

Furthermore, the impact cannot be judged from the baseline of ZERO impact, because that would prevent ALL new construction—residential or otherwise. Certainly, a home being constructed ON the lake shore, as was the case with Mr. Marchuska, has a much larger impact than the construction of houses hundreds of yards away and nestled in among the landscape, or a road that is designed to be sunken behind a vegetated berm. Therefore, the metric against which this Project must be measured must be relative, not absolute.

The approximately 5-mile stretch of East Lake Road that runs alongside the eastern shore of Skaneateles Lake from south of boundary of the Village of Skaneateles to 5 Mile Point Road can only accurately be described as a residential road, with more than 150 residential homes within 75 feet or so of East Lake Road, in direct view of people who use the road, with most having driveways directly connected to East Lake Road. There are an additional 30 or so homes to the east of East Lake Road with a setback greater than 75 feet, but that are still visible from users of East Lake Road. Most of these homes are also inside the littoral zone of the lake.

As viewed from the Lake itself, between 5 Mile Point Road and the southern boundary of the Village of Skaneateles, another 160 or so homes are situated on the lake shore, completely visible from users of the lake.

Combined with the previously-detailed count of homes along East Lake Road, this is more than 340 residences that may be seen by recreation users of Skaneateles Lake along this 5-mile stretch of land.

The Planning Board has presented no metric by which or rationale as to how increasing this figure of 340 single-family homes along this residential road by 8 additional homes will create a negative impact. No basis has been presented that a recreational user of the Lake would be negatively impacted by being able to view 348 homes instead of being able to view "only 340". This is particularly the case as the proposed new homesites are not at the eastern-most section of land that has been determined to be of high conservation value because of its scenic value.

Despite the fact that the Project's possible visibility would fit with character of the surrounding area, the potential visibility will be mitigated. As it now stands, the existing driveway is virtually invisible from the lake and the opposite shore of the lake. With the proposed road being cut into a lower elevation, creating a berm between it and the lake, the road will become truly invisible, as it will be blocked by the vegetated berm.

Additionally, the Sponsor will landscape the area to the west of the conservation density subdivision private road to further hide it per the Planting Plan, Exhibit 11.

The proposed road replaces an existing road; it is not being proposed in an untouched wilderness area.

The proposed homes have been situated on lots that preserve the maximum amount of visible open space out of deference to the wishes of the Board, the townsfolk, and the Sponsor's own wishes to preserve the character of the area.

**9. c. <u>The proposal action may be visible from publicly accessible vantage points. (ii.) Year Round.</u>**

Rationale for this determination of a large impact voiced by the Town Planning Board include:

The Project will be seen from the Lake, from across the Lake and from -East Lake Road, especially during fall and winter when there are no leaves on the trees.

***Discussion and Mitigation Measures Proposed:***

The Design, by, among other things, the reduction of the number of proposed residential lots to 9, has sufficiently mitigated prior concerns regarding the view of the Project Site from publicly accessible vantage points. It should be noted that almost no one is on the Lake in fall and winter.

Examples of large impacts for this item as taken from the DEC EAF Workbook include:

- The Project results in a land use that is in sharp contrast to surrounding land uses seen from or in the scenic resource (the Lake).

- The Project is of a scale, color or dimension that will be highly visible from the publicly accessible scenic resource.

The Design has virtually eliminated the Project's visibility from publicly accessible vantage points as illustrated by Exhibit 10. The road traversing the slope will not be visible from any perspective off the property. As it now exists, the road is already difficult to see.

Per the DEC EAF Workbook, a publicly accessible vantage point may be scenic viewing spots, identified road pull-offs and overlooks, parks and green road sections within a scenic byway (which West Lake Road is not) or other locally designated spots. Travelling along East Lake Road and viewing the subdivision does not meet this definition; therefore, the DEC Workbook provides no support for this classification of impact. Nevertheless, the Design will not block or obstruct the views of the Lake from any vantage point.

Under the Design presented in this FEIS, no vantage point (Lake, across the Lake or East Lake Road) presents a view of the Project that is a "sharp contrast" to the surrounding land uses and the scale, color and dimension of the proposed Project residences will not be considered "highly" visible per the DEC Workbook. The DEC Workbook provides, with regard to Question 9 of the Full Environmental Assessment Form that: "Different or in sharp contrast" may mean bigger, taller, higher, more dense, an obviously different color or design, or where the landscape is significantly changed. For example, a Project that removes 10 acres of woodland on a completely wooded hillside is likely to result in a landscape that is in sharp contrast to current patterns. Or a 300-unit residential complex proposed on a parcel that is surrounded by large agricultural fields seen from a scenic byway would also be obviously different or in sharp contrast to the current residential neighborhood.

The approximately 5-mile stretch of East Lake Road that runs alongside the eastern shore of Skaneateles Lake from south of boundary of the Village of Skaneateles to 5 Mile Point Road can only accurately be described as a residential road, with more than 150 residential homes within 75 feet or so of East Lake Road, in direct view of people

who use the road, with most having driveways directly connected to East Lake Road. There are an additional 30 or so homes to the east of East Lake Road with a setback greater than 75 feet, but that are still visible from users of East Lake Road. Most of these homes are also inside the littoral zone of the lake.

As viewed from the Lake itself, between 5 Mile Point Road and the southern boundary of the Village of Skaneateles, another 160 or so homes are situated on the lake shore, completely visible from users of the lake.

Combined with the previously-detailed count of homes along East Lake Road, this is more than 340 residences that may be seen by recreation users of Skaneateles Lake along this 5-mile stretch of land.

The Planning Board has presented no metric by which or rationale as to how increasing this figure of 340 single-family homes along this residential road by 8 additional homes will create a negative impact. No basis has been presented that a recreational user of the Lake would be negatively impacted by being able to view 348 homes instead of being able to view "only 340". This is particularly the case as the proposed new homesites are not at the eastern-most section of land that has been determined to be of high conservation value because of its scenic value.

Despite the fact that the Project's possible visibility would fit with character of the surrounding area, the potential visibility will be mitigated. As it now stands, the existing driveway is virtually invisible from the lake and the opposite shore of the lake. With the proposed road being cut into a lower elevation, creating a berm between it and the lake, the road will become truly invisible, as it will be blocked by the vegetated berm.

Additionally, the Sponsor will landscape the area to the west of the conservation density subdivision private road to further hide it per the Planting Plan, Exhibit 11.

The proposed road replaces an existing road; it is not being proposed in an untouched wilderness area.

The proposed homes have been situated on lots that preserve the maximum amount of visible open space out of deference to the wishes of the Board, the townsfolk, and the Sponsor's own wishes to preserve the character of the area.

**9.d. <u>The situation or activity in which viewers are engaged while viewing the proposed action is: (ii) recreational or tourism-based activities.</u>**

The specific concern (outlined in ***Impacts and Mitigation*** section above) voiced by the board for this SEQR item include:

1. Impact of new road and overall Project on view

Rationale for this determination of a large impact voiced by the Town Planning Board include:[8]
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.

***Discussion and Mitigation Measures Proposed:*** The question pertains to the impact as seen from officially-designated scenic or an aesthetic resource. That means, in this case, as seen from the Lake, as there are no other qualifying resources with a view to the property. Furthermore, the impact cannot be judged from the baseline of ZERO impact, because that would prevent ALL new construction—residential or otherwise. Certainly, a home being constructed ON the lake shore, as was the case with Mr. Marchuska, has a much larger impact than the construction of houses hundreds of yards away and nestled in among the landscape, or a road that is designed to be sunken behind a vegetated berm. Therefore, the metric against which this Project must be measured must be relative, not absolute.

Examples of large impacts for this item as taken from the DEC EAF Workbook include:

- The Project results in a land use that is in sharp contrast to surrounding land uses seen from or in the scenic resource (the Lake).

- The Project is of a scale, color or dimension that will be highly visible from the publicly accessible scenic resource.

The Design has virtually eliminated the Project's visibility from publicly accessible vantage points. The road traversing the slope will not be visible from any perspective off the property. As it now exists, the road is already difficult to see.

Per the DEC EAF Workbook, a publicly accessible vantage point may be scenic viewing spots, identified road pull-offs and overlooks, parks and green road sections within a scenic byway (which West Lake Road is not) or other locally designated spots. Travelling along East Lake Road and viewing the subdivision does not meet this definition; therefore, the DEC Workbook provides no support for this classification of impact.

[8] Listed rationale were taken from April 19, 2019 Scoping Document (Exhibit 2).

Nevertheless, the Design will not block or obstruct the views of the Lake from any vantage point.

Under the Design presented in this FEIS, no vantage point (Lake, across the Lake or East Lake Road) presents a view of the Project that is a "sharp contrast" to the surrounding land uses and the scale, color and dimension of the proposed Project residences will not be considered "highly" visible per the DEC Workbook. The DEC Workbook provides, with regard to Question 9 of the Full Environmental Assessment Form that: "Different or in sharp contrast" may mean bigger, taller, higher, more dense, an obviously different color or design, or where the landscape is significantly changed. For example, a Project that removes 10 acres of woodland on a completely wooded hillside is likely to result in a landscape that is in sharp contrast to current patterns. Or a 300-unit residential complex proposed on a parcel that is surrounded by large agricultural fields seen from a scenic byway would also be obviously different or in sharp contrast to the current residential neighborhood. See Exhibit 10 for visual rendering.

The approximately 5-mile stretch of East Lake Road that runs alongside the eastern shore of Skaneateles Lake from south of boundary of the Village of Skaneateles to 5 Mile Point Road can only accurately be described as a residential road, with more than 150 residential homes within 75 feet or so of East Lake Road, in direct view of people who use the road, with most having driveways directly connected to East Lake Road. There are an additional 30 or so homes to the east of East Lake Road with a setback greater than 75 feet, but that are still visible from users of East Lake Road. Most of these homes are also inside the littoral zone of the lake.

As viewed from the Lake itself, between 5 Mile Point Road and the southern boundary of the Village of Skaneateles, another 160 or so homes are situated on the lake shore, completely visible from users of the lake.

Combined with the previously-detailed count of homes along East Lake Road, this is more than 340 residences that may be seen by recreation users of Skaneateles Lake along this 5-mile stretch of land.

The Planning Board has presented no metric by which or rationale as to how increasing this figure of 340 single-family homes along this residential road by 8 additional homes will create a negative impact. No basis has been presented that a recreational user of the Lake would be negatively impacted by being able to view 348 homes instead of being able to view "only 340". This is particularly the case as the proposed new homesites are not at the eastern-most section of land that has been determined to be

of high conservation value because of its scenic value.

As it now stands, the existing driveway is virtually invisible from the lake and the opposite shore of the lake. With the proposed road being cut into a lower elevation, creating a berm between it and the lake, the road will become truly invisible, as it will be blocked by the vegetated berm.

Additionally, the Sponsor will landscape the area to the west of the road to further hide it per the Planting Plan, Exhibit 11.

The proposed road replaces an existing road; it is not being proposed in an untouched wilderness area.

The proposed homes have been situated on lots that preserve the maximum amount of visible open space out of deference to the wishes of the Board, the townsfolk, and the Sponsor's own wishes to preserve the character of the area.

**17. Consistency with community plans, h. Other: i: precedent setting development on a steep or difficult site.**

The specific concern (outlined in ***Impacts and Mitigation*** section above) voiced by the board for this SEQR item include:

1. Potential for existing Project to inspire similar future Projects on steep slopes

Rationale for this determination of a moderate to large impact voiced by the Town Planning Board include:[9]

- The Project may encourage development on similar steep slopes in the watershed.
- Encourages development, with multiple households sharing 40-foot lake frontage, impact on neighborhoods, the lake, fostering similar development.

***Discussion and Mitigation Measures Proposed:***

The Project is zoned RF. Per the Town zoning code, the purpose of this zone is to promote agriculture and compatible open space uses by discouraging large-scale residential development and those forms of commercial development that might conflict with agricultural use, while allowing small-scale clean industrial and service uses that complement agricultural enterprises. Single family residences are a permitted use by

[9] Listed rationale were taken from April 19, 2019 Scoping Document (Exhibit 2).

right in the RF zone and two-family dwellings are a permitted use by right subject to Site Plan review.

The Town encourages Sponsors to use open space subdivisions as an alternative to conventional subdivisions in the RF zone or Conservation Subdivisions, which are even more desirable. A Conservation Subdivision results in the preservation of contiguous open space and important environmental resources.

The Project is consistent with the Town's zoning classification and regulations and complies with the Town's subdivision regulations.

The Project meets the zoning requirements for the RF zone and exceeds the requirements for a Conservation Subdivision. The scale, dimensions, density and design of the subdivision are consistent with the surrounding area, and sufficiently mitigates prior concerns regarding the impacts on the Town's character.

**18. <u>Consistency with community character, F. Proposed action is inconsistent with the character of the existing natural landscape.</u>**

Rationale for this determination of a moderate to large impact voiced by the Town Planning Board include:[10]

1. Construction of the Project Road is inconsistent with the character of the existing natural landscape.

***Discussion and Mitigation Measures Proposed:***
The Planning Board asked for three aesthetic viewsheds to be studied, a) East Lake Road at the base of the development, b) East Lake Road from south of Pork Street, c) from West Lake road across the lake.

Appel Osborne did the second Conservation Analysis on this property. They did in fact create views from the three locations requested, East Lake Road at the base of the Project's property, West Lake Road across the lake and looking south/south-east from Pork St. These were incorporated in the nine overlays that constituted the Analysis.

The Design, among other things, reduces the number of residential lots and significantly mitigates expressed concerns regarding visibility of the Project Site from the Lake and other vantage points of concern.

[10] Listed rationale were taken from April 19, 2019 Scoping Document (Exhibit 2).

The approximately 5-mile stretch of East Lake Road that runs alongside the eastern shore of Skaneateles Lake from south of boundary of the Village of Skaneateles to 5 Mile Point Road can only accurately be described as a residential road, with more than 150 residential homes within 75 feet or so of East Lake Road, in direct view of people who use the road, with most having driveways directly connected to East Lake Road. There are an additional 30 or so homes to the east of East Lake Road with a setback greater than 75 feet, but that are still visible from users of East Lake Road. Most of these homes are also inside the littoral zone of the lake.

As viewed from the Lake itself, between 5 Mile Point Road and the southern boundary of the Village of Skaneateles, another 160 or so homes are situated on the lake shore, completely visible from users of the lake.

Combined with the previously-detailed count of homes along East Lake Road, this is more than 340 residences that may be seen by recreation users of Skaneateles Lake along this 5-mile stretch of land.

The Planning Board has presented no metric by which, or rationale as to how, increasing this figure of 340 single-family homes along this residential road by 8 additional homes will create a negative impact. No basis has been presented that a recreational user of the Lake would be negatively impacted by being able to view 348 homes instead of being able to view “only 340”. This is particularly the case as the proposed new homesites are not at the eastern-most section of land that has been determined to be of high conservation value because of its scenic value.

At Hidden Estates, the two closest of the eight additional houses to be added will be approximately 500 feet or more from East Lake Rd. The other seven houses to be added will not be seen from East Lake Rd at all. All of the houses would located well outside of the littoral zone. To say that they are not in keeping with the nature of existing neighborhood, can only mean that they are far less intrusive, an attribute which has been characterized by the Planning Board as very desirable.

From West Lake Rd, most of the conservation density road will be invisible while the houses will be in the mid-field of vision, not breaking the horizon and visually lost in the vegetative background. Also, from the distance of West Lake Road, the details of the houses and road are minute and any objectionable photos have been enlarged far beyond the perception of the unaided human eye.

The DEC EAF Workbook provides the following examples of Large Impacts on officially designated federal, state or local scenic or aesthetic resources:

- A Project will be visible and in sharp contrast to surrounding land uses by virtue of its scale, dimension, color or height.

- A Project is not in sharp contrast to existing land uses in the area, but is very visible.

- A Project will obstruct or partially obstruct publicly accessible views of the scenic resource.

- A Project is situated so that it changes the visual aspect of the scenic resource.

This Project will not be seen from the Lake and is not a “sharp contrast” as defined by the DEC Workbook to what is already visible within the view. Examples of sharp contrast to the view on each side of the Project Site, as defined by the DEC Workbook, include construction of wind mills or a multistory hotel.

The existing landscape on the eastern side of the Lake is a mix of rural farmland and residential development of hundreds of single-family homes, including parcels along the lakefront. The proposed subdivision is very similar to the character of the existing natural landscape. The Design sufficiently or completely mitigates the concerns regarding inconsistencies with the existing natural landscape.

**Unavoidable Environmental Impacts**

The Design will result in the alteration of approximately ±2.25-acres of meadow. The development will necessarily increase the total impervious surface area of the property.

- Noise

During the construction of the conservation density road, heavy equipment and back up alarms will be a temporary increase in the ambient noise level. This will last for approximately two months during normal working hours. Likewise, the construction of the homes will produce construction noises that will last the duration of their construction which may be six months. Much of this construction noise is during the initial foundation and framing phases of the Project and installing exterior finishes. Much of the interior construction produces less noise beyond the property line. After the construction is completed, the noise produced for this site will be similar to the existing rural residential ambient noise levels.

- Dust

Depending on the time of year the road improvements are made, the dust level should be minimal with best management practices implemented should it be during a dry period. Similar to the construction of the homes, the dust produced during the build would be minimal. These are temporary conditions with minimal dust if any created after the construction phases are completed.

- Earth Disturbance

The majority of the earth disturbance is done during the approximately two-month period the road is built. The construction of the homes will have minimal, short term earth disturbance. The homes are built in low slope building envelopes and will not involve great earth disturbance as recent large estate homes on East Lake Road (Cohlan Residence) and West Lake Road (Lakelawn Residence) nor will construction last longer than six to nine months. Best management practices will be implemented to reduce any negative impacts of earth disturbance.

- Construction Vehicle Traffic

Construction traffic will be a temporary condition during the approximately two-month modification of the road and the three-year period anticipated to build the nine homes. Most of the construction traffic activities for the road phase will be on site. The home construction traffic activities will include the delivery of materials and worker arriving on site. A negligible increase in traffic will result from the addition of eight residential lots.

- Groundwater Disturbance

The occupancy of the eight new residential lots will negligibly increase groundwater withdrawal from the local aquifer for normal day to day water consumption, as confirmed by professional geologists.

## ALTERNATIVES

### Explored Alternatives

The nature of the property uses in the Project Site vicinity support a Conservation subdivision for the construction of single-family homes as the most appropriate alternative use for the Project Site. The Project is more consistent with and will produce less impact to and deviation from the current uses of the properties in the Project Site vicinity than any of the other permissible RF uses. The two most likely alternative uses of the property, agricultural use and Ag-Tourism, would create toxic runoff issues in the former case while Ag-Tourism will greatly increase traffic.

#### *Alternative 1: No changes to the existing private driveway*

As early as 2008, the Sponsor approached the Trust for Public Lands ("TPL") to discuss preserving the site as a public park. The TPL approved the land for that purpose. The Sponsor was asked to assist them in raising charitable contributions for that purpose. While TPL had many sources of their own, they wanted local participation. They also required that the main benefactor, the Town, participate in the funding to a minor degree, 10%. While the Town Supervisor supported this initiative, the Town Board declined to assist in this Project.

At one point, Town Supervisor Jim Lanning did offer funds for administration fees when the Finger Lakes Land Trust was approached about the Project. After years of effort, the USDA was prepared to fund the purchase of the Sponsor's development rights in conjunction with a conservation easement but needed a steward such as the FLLT. The President of the Board of the FLLT at that time was a local resident who refused to allow the Trust to become the steward despite there being no direct cost to the FLLT and the creation of conservation easements being their reason to exist. This individual now heads opposition to development.

Because the Sponsor needs to monetize this land, has unsuccessfully tried to sell the parcel as-is, and neither the local government nor the local land trust are interested in the preservation of the land under a conservation program, the option of no changes to

the existing private driveway had the Sponsor pursue the remaining economic options consistent with this alternative.
The Sponsor has consulted with Phil Davis of Damiani Wineries (Vintner of the Year, Wine Spectator Magazine) who made a site visit after the Sponsor had taken winter temperature measurements at various locations on the property. His recommendations were for hops or white grapes, preferably Cayuga because it was used in many blended wine varieties. The following excerpt from a Cornell University publication details the fertilization issue with such agriculture, *The Northern Grapes Project and the USDA National Institute of Food and Agriculture, Hatch Project* [1], attached. Quoting Cornell: "The College of Agriculture and Life Sciences at Cornell is home to one of the top viticulture and enology programs in breeding table, juice and wine grapes adapted to cool climate growing regions."

Cornell University is a regional expert in viticulture, offers undergraduate and graduate degrees as well as certification programs and seminars on the topic, and promotes the expansion of viticulture. According to this publication, the baseline nutrient application for wine grapes, on an ongoing basis, should be 100 pounds of nitrogen per acre per year, 300 pounds of muriate of potash per acre every other year, and one ton of lime per acre every 5 years, plus other nutrients. For just nitrogen and muriate of potash, this is an average *annual* application of fertilizers of 250 pounds per acre, according to these experts from Cornell.

Since Skaneateles is a highly desirable wedding venue, that would be the first alternative considered in conjunction with active viticulture. With the State of NY promoting microbreweries, that would be the second use considered.

Active viticulture using the existing private driveway is a permitted and viable alternative.

However, it has a significantly greater negative environmental impact to the community and lake's water quality than the impact of the self-contained (on-site), one-time earth movement required to meet the Planning Board's specifications for the private road for Sponsor's proposal.

- The existing soils are poor for the viability of traditional agricultural crops suited to this region. The slopes and soils would be expected to produce high-quality wine grapes, but the high annual nutrient supplementation and pesticide application required for wine grapes is a repeated annual negative impact. The resulting perpetual agricultural runoff would be detrimental to the lake's water quality.
- Clearcutting the eastern high-conservation value area—a portion of the parcel

with good soils that could support traditional crops—in order to resume agriculture would have a vastly more significant visual impact than the proposed road and homes. The visual open scar created would be in stark contrast to the vegetated adjoining areas of the neighboring parcels.

- The *annual* tilling of acreage a multiple of size the 9.98 acres that are subject to a one-time disturbance under this proposal would produce exponentially more soil runoff over time than that which could result under this proposal, and would require no mitigation.
- The addition of a wedding venue permitted under "Ag-Tourism" would create more use of the existing driveway than what would be used by the proposed conservation density road under the proposal for 8 additional lots

A zone change to a more commercially favorable zone also does not fit the Project Site for the same reasons as a commercial use in the current RF zone. In addition, a zone change would not conform to the surrounding zoning and would not have been favorably received by the Town.

**Alternative 2: As-Is in exchange for forfeiture of additional development rights, the "Reasonable Approach" Alternative of September 2017**

In September 2017, the Sponsor asked the Planning Board to accept the existing driveway as-is in exchange for the Sponsor including the large Lot 11 in the Conservation Density Subdivision proposal, forfeiting any additional development rights on the entire property. Meeting minutes show that the Sponsor was told that "the revised idea is a reasonable approach."

This would involve minimal cut and fill, minimal disturbance to surrounding vegetated areas, and was approved by the fire chief at the time of the proposal.

This alternative offers minimal impact from road construction, but was eventually rejected by the Planning Board.

***Alternative 3: The Enhanced "Reasonable Approach" Alternative***

Alternative 3 was a proposal to increase the paved road width to the 13-foot minimum required by existing code for a conservation density road, add guide rails where needed on both sides of the existing driveway, install signage instructing downhill vehicles to

use new pullouts and to yield to uphill traffic, and changed the pitch of the curve at the bottom toward the inside of the curve instead of the outside. This was the alternative that was the result of meeting the requests of several Planning Board Members during successive Planning Board meetings.

This alternative offers minimal impact from road construction, but this alternative was eventually rejected by the Planning Board after the former Town Fire Chief Dan Evans opined that he felt that it would be challenging to daisy-chain firefighting equipment in stages along the driveway in a situation where water would be pumped from the lake to fight a house fire. After the Sponsor added the installation of 10,000 gallons of underground water storage tanks near the proposed homesites at the top of the hill—the quantity of water the Fire Chief desired to have on-site to preclude the need to daisy-chain and pump lake water—fitted with a dry hydrant as specified by Chief Evans, the Planning Board did not revisit this alternative.

***Alternative 4: The Enhanced "Reasonable Approach" with Reduced Grade***

Alternative 4 combined all the elements of Alternative 3 with a relatively small cut at the top of the existing driveway—using the same road course—in order to reduce the maximum road grade to 14% at its greatest point. Combined with significantly reduced excavation compared to the Proposal, earthwork would be reduced by approximately 80-90% and the driveway would be very close to the 12% slope required by code. The Sponsor continues to advocate for this solution mainly because the original intent of a Conservation Subdivision was to decrease the amount of infrastructure required. This can be done while keeping safety paramount.
This alternative would involve some impact from road construction, but significantly less than the current proposal. This alternative was ejected by the Planning Board with the Chairman requesting "a plan that meets code".

***Alternative 5: Construct the Proposed Conservation Density Road to Meet Code, but not exceed code by approximately 40%***

This alternative would construct the Conservation Density Road to meet existing Town Code and add all of the Sponsor's proposed safety enhancements of guide rails, on-site firefighting water storage tanks and additional pullouts and signage. Instead of exceeding code's minimum width by approximately 40%, as is currently being required by the Planning Board, if the proposed conservation density road was approved to the standards of existing code, the amount of earth moved would be reduced by approximately 40% to approximately 11,000 cubic yards. The resulting side slopes

could either be less steep, or if left as a 1:1 slope, the total area of disturbance significantly reduced. With the road being narrower (but still meeting code) and the total disturbed area being reduced, any visual impact would also be reduced.

While this alternative meets code, and reduces the amount of required earthwork by approximately 40%, it was rejected by the Planning Board.

***Alternative 6: 17-Lot Open Space Subdivision***

This alternative would use the same proposed conservation density private road with only minimal modifications and would thus have the same impact as the proposed conservation density private road.