*HIDDEN ESTATES SUBDIVISION*
*East Lake Road*

*Skaneateles, NY*

*RZE# 17067*

Final Environmental Impact Statement
Draft Date:12/07/20

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

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CONTENTS

**Exhibit Table**

Exhibit 1 - Sketch Plans

Exhibit 2 - Scoping Document

Exhibit 3 – Response to November 8, 2018 Public Information Meeting

Exhibit 4 - Conservation Analysis

Exhibit 5 - Stabilization Product Data Sheets

Exhibit 6 - Excerpts from SWPPP

Exhibit 7 - Brillo Earthwork Analysis

Exhibit 8 - Peak Runoff Analysis

Exhibit 9 - 8/21/18 Town Engineer Correspondence

Exhibit 10 – Visual Rendering from Lake

Exhibit 11 - Planting Plan

Exhibit 12 - Construction Sequence

Exhibit 13 - Phasing Plans

Exhibit 14 - Web Soil Survey

Exhibit 15 - SHPO Information

Exhibit 16 - Caster Well Drilling Report

Exhibit 17 - SEQR Forms Part 1 and 2

Exhibit 18 - SEQR Determination

Exhibit 19 - Preliminary Project Plans

Exhibit 20 - RZE 2/28/19 email regarding existing Basin

Exhibit 21 - 2012 Drainage Memo

Exhibit 22 - Skaneateles Planning Board Approved Lots, 2015-2019

Exhibit 23 - SHPO Response Letter

Exhibit 24 - *Extension Bulletin, D. Oh, S. Kananizadeh, M.I. Gómez, T. Martinson. 2016 "Cost Of Establishment and Production of Cold Hardy Grapes in the Chautauqua Region of New York-2015," Extension Bulletin 2016-01, Charles H. Dyson School of Applied Economics and Management.*

Exhibit 25 - Correspondence from Fire Chief Pete Buehler

Exhibit 26 – Preliminary Plat Plan

## Executive Summary

This Final Environmental Impact Statement ("FEIS") 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 FEIS.

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" or "Applicant"), incorporates the design sketch plan detailed at Exhibit 1 -- (the "Final Design") as its proposed action.

### *Project Description*

The property that is the subject of this application 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 Density Subdivision with an average of 8.78 acres per lot. The proposed Project's scope includes redevelopment of a private driveway to a Conservation Density Subdivision Private Road (the "Private Road") to serve a total of 12 residential lots and minor alterations to existing stormwater management facilities (such improvements, collectively, the "Improvements" and such development together with the Improvements, collectively, the "Project" or "Proposal") and is located in the Rural and Farming and Lake Watershed Overlay zoning districts.

The Private Road construction phase of the Project will cause an overall disturbance of approximately 3.4 acres for all proposed road modifications. After the Private Road is constructed, lots will be sold over time. The maximum potential disturbance from all lots will be approximately 8.98 acres of land, which will happen over time, ultimately controlled by the Planning Board as each lot's building proposal will be subject to site plan review and approval. This document provides a more detailed description of the estimated disturbance and how the estimated disturbance was calculated under the discussion of SEQR Item 1f

under SEQR Items "Proposed Discussion and Mitigation Measures" below.

Existing residences in the area obtain drinking water from water wells since public water is not available in the Project Site vicinity. The Project will result in the drilling of individual, on-site water wells to obtain a reliable source of potable water. This document provides a more detailed description of drinking water availability and the impacts of well-drilling under the discussion of "Environmental Settings" on page 8.

Sanitary sewer systems do not exist at the Project Site or in the vicinity. As a result, individual on-site 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. It is understood that no individual building permit for residential construction will be issued until Health Department approval is received.

The Sponsor has attempted to incorporate the revisions detailed in this FEIS to mitigate the potential environmental impacts of the Project (defined, below, under "Description of Action"). The Project Sponsor offers this document as a considered Proposal to sufficiently addresses the concerns previously identified by the Lead Agency during the SEQRA process.

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

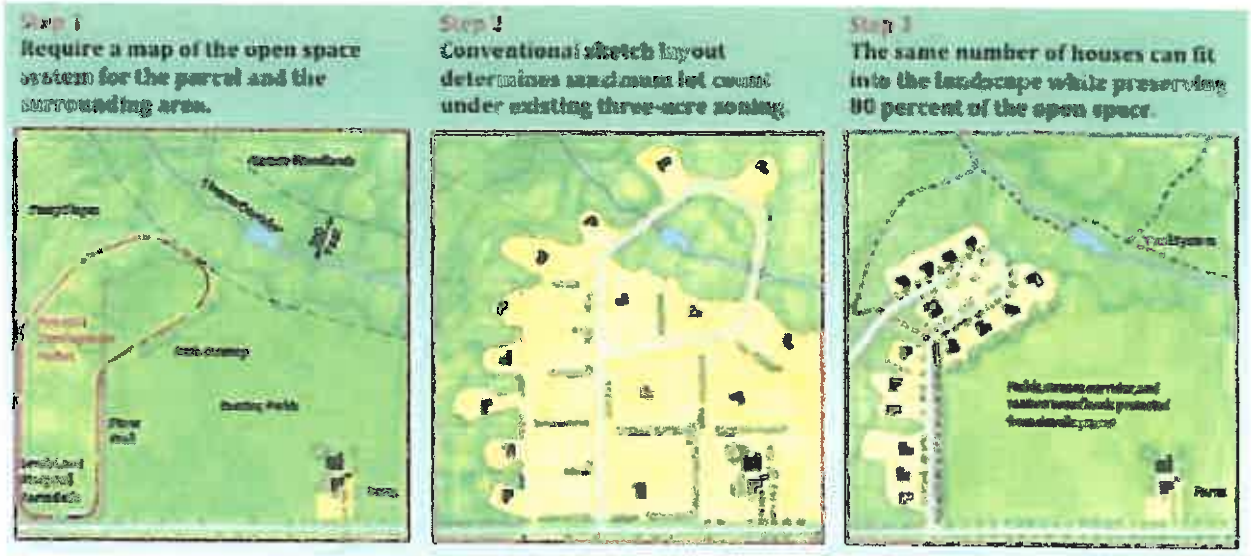
Along with its design professionals, the Sponsor contends it has developed a Project that is in keeping with the subdivision design ideals presented in the workshop arranged by former Town Supervisor Mary Sennett, and conducted by renowned designer Randall Arendt, in which the Sponsor participated. These ideals are presented in the April 12, 2015 *Skaneateles Joint Comprehensive Plan.* On page 4 of that document, the Town stipulates that "...change is inevitable, and in fact desirable if guided by a set of thoughtful, well-defined principles," and that "...new development can benefit the community, the economy, and the environment if it is carried out in a manner that embraces a set of principles frequently referred to as 'smart growth.'" This document continues, presenting ten "best practices, strategies, and policies," among which are the following:

"*ii. Compact design.*" The proposed Project does this by clustering the homesites in the eastern portion while protecting the eastern high conservation areas
"*iii. A range of housing opportunities and choices.*" The proposed Project adds variety to the Skaneateles housing market.
"*vi. Preservation of open space, farmland, natural beauty and critical environmental areas.*" The proposed Project places the vast majority of the parcel acreage into permanent Conservation, including all of the land identified as "high conservation value" identified in the two Conservation Analyses.
"ix. *An atmosphere where development decisions can be predictable, fair, and cost-effective.*" The Sponsor offers that this Project is consistent with the Comprehensive Plan under a conservation analysis, with stormwater control, as stated in the Executive Summary.
"x. *Encouragement of community and stakeholder collaboration in development decisions.*" The Sponsor has modified its proposal to incorporate all of the design elements suggested by the Planning Board.

What does this mean in practice? The document continues on p.14 under the header "Goal 2. Preserve and enhance the town's largely rural and agrarian land," wherein the authors recommend that the following actions be taken:

- "Strictly regulate future development to eliminate strip subdivisions, haphazard development, sprawl and waste. (1.a.)" The Sponsor contends that this proposed Project fulfills this objective
- "Encourage the use of conservation easements to protect and maintain valued natural features. (1.c.)" The Sponsor contends that this proposed Project fulfills this objective
- "Adopt "Density-Neutral" Conservation Zoning and Subdivision Ordinance provisions to require higher density clustered development on small portions of large, master-planned tracts with the balance of land put into permanent conservation. (1.d.)" The Sponsor contends that this proposed Project fulfills this objective

"To preserve the rural character of the Town's rural roadways, develop regulations that require wide spacing between driveways or curb cuts along rural roads and that establish significant setbacks from rural roads." The Sponsor contends that this proposed Project fulfills this objective.
The document then presents a visual explanation of the above principles, which is reproduced below for the reader's convenience.




A final relevant point is given on page 15 under the header "Objective 3: Recognize the unique characteristics of the Town and Village of Skaneateles with the thought and goal of preservation." That is Action item 3.b.: "Encourage conservation efforts such as purchasing/acquiring conservation lands, maintaining wildlife friendly areas and good fishing habitats." The Sponsor contends that this proposed Project fulfills this objective,

Based on the principles laid out in Skaneateles Joint Comprehensive Plan, as recited above, it is the Project Sponsor's opinion that the Project Site is ideal for a controlled residential development in conformity with the Comprehensive Plan. Consider the following:

- The Project Site is off sightline of East Lake Rd;
- It is not a strip subdivision;
- It is Density Neutral by the definition given--the houses are sited on a small portion of a large tract with the balance of the land being put into permanent conservation;
- It is agricultural land of poor soil quality for traditional crops 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 to neighboring properties, preserving the rural character of the area;
- An existing, functional Storm Water Management System (SWMS) currently adequately services the existing portion of the proposed Project along with additional lands not within the property limits. This SWMS is already in place and will capture any construction-related runoff, adding additional protections to the lake not typically afforded by other projects in the watershed. Design professionals have verified that it has the capacity needed to not only provide erosion and sediment control for the construction portion of the proposed Project but also to mitigate the

increases in stormwater and provide treatment for runoff from the completed Project. Additionally, the abnormally large lots provide ample room for septic and water well spacing; and,

- A vast majority of the land is excellent wildlife habitat and will be preserved as such.

As stated in the Skaneateles Joint Comprehensive Plan, growth is desirable, and Skaneateles has been growing. Regularly, projects are approved in multiple phases that create one to four residential lots per phase. Done this way, these projects do not typically meet the threshold for substantive review such as this Proposal. The Skaneateles Joint Comprehensive Plan emphasizes the benefit from more comprehensive planning that maps out the long-term use of all acreage. The Project Sponsor concludes the Hidden Estates Proposal is a comprehensive plan, as it commits that there will not be future additional subdivision at this site, and creates the infrastructure to support all future development, and the Hidden Estates Proposal will employ all current best practices for environmental controls. These controls are typically not required of Minor Subdivisions, even ones done in successive phases that can ultimately create a similar number of building lots over time as this Proposal does from the outset.

It is the Sponsor's position that the current proposed Project meets the requirements of the current town code, complies with all current state and local regulations, and limits the impacts on the environment in the spirit of responsible site development as outlined in the Skaneateles Joint Comprehensive Plan. The Project Sponsor further asserts that this proposed Project, with environmental concerns identified in the Scoping Document having been mitigated, will create substantially less of an environmental impact than other uses of the site.

The Project Site and surrounding area are zoned Rural and Farming ("RF") and Lake Watershed Overlay zoning districts, which classifications, per the Town zoning code, have 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 proposes to meet the zoning regulations.

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

The proposed Project is also subject to review under 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.

### *Approvals*

This FEIS was prepared to facilitate the Planning Board's consideration of the proposed 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 Onondaga County Health Department ("OCHD") and the City of Syracuse Water Department must approve the septic system design and construction. The proposed 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 due to its disturbance of over an acre of land.

### *Authorizations and/or Permits*

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

1. *Town of Skaneateles Planning Board:* Subdivision Approval
2. *Onondaga County Health Department:* Approval for Individual Wastewater Treatment Systems
3. *City of Syracuse:* Individual Wastewater Treatment Systems for septic systems located within the Skaneateles Lake Watershed
4. *New York State Department of Environmental Conservation:* State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharge from Construction Activities

### *Purpose*

The proposed Project will create eight (8) additional lots by dividing existing Lot 3 of the Hidden Estates Subdivision (80.91± acres) into nine (9) single-family residential lots

identified for sale to parties other than the Project Sponsor, and will preserve in perpetuity the approximately 70 acres that are not within the proposed building envelopes or proposed Private Road. The proposed Project will also redevelop the existing private driveway, upgrading it to exceed the minimum standards for 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 proposed Project from start to finish is estimated to last two months according to the Project Sponsor's selected contractor. The duration of home construction on the resulting lots will be partly determined by the rate at which the lots sell, which is presently unknown, but as house plans are subject to Planning Board approval. Further, Planning Board review will be required as lots are absorbed.

### *Needs and Benefits*

The marketing and sale of lots on this property is desirable, useful, and the right of the Sponsor. The Project Sponsor's contention, based on the sponsor's past experience in the Skaneateles residential real estate market, is that the creation of new lots is desirable and useful to existing and/ or new residents of the community wishing to build on a lot with a view of the Lake. The Sponsor asserts that the proposed Conservation Density Subdivision would be an environmentally-friendly potential use of this parcel. The Sponsor outlines these benefits to the Planning Board, as lead agency, to take into consideration when evaluating the proposed Project. As described in the Skaneateles Joint Comprehensive Plan:

> "a declining population can become a problem for a community, as there are functions that require scale and active engagement from its residents in order to offer quality and cost-effective services and robust community activities. For example, sufficient population and a strong tax base are needed to support services such as superior school system [sic] and recreation facilities. In addition, a robust population provides a level of community involvement necessary to sustain the quality of life and environment valued by residents of Skaneateles."[1]

As an additional Project benefit to the community, the Sponsor has, on its own accord with some suggestion by other parties, chosen to designate a "high conservation" status to portions of the slope near the proposed Private Road, although design professionals did not consider

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[1] *Skaneateles, New York, Joint Comprehensive Plan, 2105. https://www.townofskaneateles.com/assets/2015.FINAL.Comp.Plan.pdf*

these areas to be of "high conservation value".

The Sponsor also has a need and right to obtain financial benefit from this land.

## 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%. However, the zoning law permits construction within areas 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 grown nearby 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:* Woodlands and hedgerows are present 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 hop hornbeam and saplings of overstory trees. The shrub layer is relatively sparse with the forestland, but is thick with buckthorn, dogwoods, and honeysuckle along 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. The vast majority of the forestland will be preserved in perpetuity under this plan.

Soil information was obtained from the Natural Resources Conservation Service. The Web Soil Survey (Exhibit 14) indicates on-site 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. (See SHPO Response Letter, Exhibit 23.)

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 Massasauga 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 no adverse impact is 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 proposed Project will have no measureable impact on air quality once construction is complete because the proposed 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 Skaneateles Lake. Water for the proposed Project will be provided by individual on-site 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 new residences is estimated to be 2,970 to 4,950 gallons per day ("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 new residences. Well yield results from Lot 1 (tax parcel ID number 036.-01-37.3) and Letters from Caster Well Drilling and GeoLogic regarding water availability are provided in Exhibit 16.

Individual on-site 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 temporary 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 proposed 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.*"

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, listed below. The Board's concerns are summarized 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.*

Below is a table showing each Concern and which SEQR items are specific to each concern. Following each entry in this Table of Concerns is a summary discussion of the concern, followed by its corresponding, specific FEAF Question #, and how the proposed Project addresses, proposes to address, or mitigates each item.

*Table of Concerns*

| Concerns 1 and 2 | | | | | | |
|---|---|---|---|---|---|---|
| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
| 1b. The proposed action may involve construction on slopes of 15% or greater. | Moderate to large Impact | Irreversible, duration is permanent | Probably will occur | Very important | 1. Magnitude of excavation on steep slopes and creation of steep slopes. 2. Potential for erosion and its potential for impact on Lake water quality | LAND |
| Board Rationale: Construction of the new roadway is upon varying percentage of slopes, greater than 15%, any work to institute construction of the road will also involve working on slopes greater than 15%, for a part of the steep slope identified in the Conservation 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 | | | | | | |

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
|---|---|---|---|---|---|---|
| 1f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from the treatment by herbicides). | Large Impact | Long term – avoided by appropriate storm water measures | Possibly will occur | Very important – in the lake watershed | 1. Magnitude of excavation on steep slopes and creation of steep slopes 2. Potential for erosion and its potential for impact on Lake water quality | LAND |

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

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
|---|---|---|---|---|---|---|
| 1h. Other impacts: Magnitude of project in proximity to the lake. | Moderate to large Impact | Medium term – there is always going to be runoff | Possibly will occur | Very important | 1. Magnitude of excavation on steep slopes and creation of steep slopes 2.Potential for erosion and its potential for impact on Lake water quality | LAND |
| Board Rationale: The extent of the fill area and possible impact on the watershed, based on the modification of steep slopes to end up being 30 to 100%, in the lake watershed, and considering proximity of the Project to Skaneateles Lake. | | | | | | |

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
|---|---|---|---|---|---|---|
| 3e. Proposed action may create turbidity in a water body, either from upland erosion, runoff or disturbing bottom sediments. | Moderate to large Impact | Long Term as a result of heavy storms | Possible to occur | Fairly important – without mitigation | 1. Magnitude of excavation on steep slopes and creation of steep slopes 2. Potential for erosion and its potential for impact on Lake water quality | WATER |
| Board Rationale: Magnitude of the road and road cut, potential for erosion of steep slopes. | | | | | | |

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
|---|---|---|---|---|---|---|
| 3h. Proposed action may cause soil erosion, or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies. | Large impact | Long Term as a result of heavy storms | Possible to occur | Fairly important – without mitigation | 2. Potential for erosion and its potential for impact on Lake water quality | WATER |
| Board Rationale:<br>Magnitude of the road and road cut, potential for erosion of steep slopes, with known heavy water runoff from the site. | | | | | | |

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
|---|---|---|---|---|---|---|
| 3i. The proposed action may affect water quality of water bodies within or downstream of the site of the proposed action. | Moderate to large Impact | Long Term as a result of heavy storms | Possible to occur | Very important | 2. Potential for erosion and its potential for impact on Lake water quality | WATER |
| Board Rationale:<br>Downstream is the lake, which may affect water quality which is an unfiltered source of drinking water for the City of Syracuse, and local town residents who draw drinking water nearby. | | | | | | |

**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 Subdivision Road compliant with zoning code and satisfy design requests made by the former Town Fire Chief and some Planning Board members.

**Summary of Concern**

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 minimum code requirements of a Conservation Density Subdivision Road to the extent requested by the Fire Chief and followed by Planning Board, the northeast bank needs to be cut back.

**Summary of 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 proposed Project's cut/fill to other Projects similar in scope in the Skaneateles Lake watershed.

**Summary of 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.

**Solutions to Concern 1**

*1. Alternatives to road design:*

As part of preparation of this document the Sponsor has investigated alternative road designs. Several options were evaluated for the road including the "no build" option (see Alternatives section, below), alternate routing of the road (see Alternatives section, below), and alternative entry points to the Project Site. After careful evaluation of these alternatives the Sponsor's contention is that the proposed option offers the best scenario for access to each lot. Alternatives to the road design are discussed in more detail in the Alternatives section of this FEIS.

*2. Alternative access points:*

Per the NYS DEC SEQR Handbook, "Private applicant site alternatives should be limited to parcels owned by, or under option to, a private applicant. To demand otherwise would place an unreasonable burden on most applicants to commit to the control of sites which they do not otherwise have under option or ownership."[2] Nonetheless, 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. Additionally, access from other surrounding properties are highly likely to disturb areas that are designated as "High Conservation Areas" outlined in Exhibit 4. Disturbing High Conservation Areas is avoided under the current Proposal. The Sponsor considers access through neighboring properties which would disturb High Conservation Areas undesirable. Due to all of the preceding reasons, the Sponsor contends that this is not a feasible alternative.

*3. Options for side slopes to reduce magnitude of excavation:*

The Sponsor engaged with a Licensed Professional Engineer registered to practice engineering in NYS. The Engineer holds the following certifications specifically related to erosion and sediment control, each issued by an independent organization:

1. Certified Professional in Erosion and Sediment Control;
2. Certified Professional in Storm Water Quality;
3. Certified Erosion, Sediment and Storm Water Inspector.

The side slopes of the existing shared driveway, where work is proposed on the new Private 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. Certified Professionals with Licenses in Engineering and Erosion and Sediment Control propose that any impact will be temporary and mitigated in accordance with all state and local regulations.

Construction is proposed on negligible areas of steep slopes identified in the Conservation Analysis deemed 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 any areas designated for earthwork.

Typical engineering practice considers a 3:1 horizontal to vertical slope as "mowable" and stable. In the current proposed Private Road plans, areas of the roadside slope are shown as reduced to 1:1 horizontal to vertical. This significantly reduces the impact to existing sloped

[2] The SEQR Handbook, Fourth Edition, 2020, Division Of Environmental Permits. P.6

areas by reducing the area of disturbance. It is important to note that "existing" sloped areas were previously disturbed as part of the construction of the existing 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 one of the most effective forms 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 of Concern**

1. Slopes exceeding 15% exist, however the Private 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.

**Summary of Issues to be Addressed**

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

**Summary of 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 the 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.

Solutions to Concern 2

*1. The 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;*

The Project Sponsor proposes to mitigate possible impacts from runoff and other risks to water resources such as cut and fill operations during construction of the Project 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 by the town's designated engineer for compliance with DEC standards and will be permitted through the NYSDEC General permit standard procedure for site disturbance, 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 Project Sponsor proposes that its contractor shall initiate stabilization measures as soon as practicable in a portion of the Project 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 Private Road construction will result in approximately 18,000∓ CY of cut.

*2. The Sponsor's engineer has provided the 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 existing condition peak storm runoff has already been mitigated significantly and is capable of handling the Project runoff. Town engineer has conducted a preliminary review of the calculations.*

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

The proposed construction of the Private Road will be mitigated within the existing storm water system through proposed modifications of the outlet control. The Project Site Plan documents and SWPPP report will be submitted to the Town Engineer for formal review for compliance with NYSDEC requirements. The plan will show details and construction materials required to be performed to meet stormwater management requirements. It should be noted that each lot will contain individual stormwater systems to be designed and approved under a separate site plan review by the Town 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.

*Specific FEAF Determination(s)*

*FEAF Question 1.b. The proposed action may involve construction on slopes of 15% or greater.*

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

*Magnitude of excavation on steep slopes and creation of steep slopes. Construction of the new roadway is upon varying percentage of slopes; 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:[3]

*Construction of the new roadway is upon varying percentages 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 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.*

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

*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 proposed 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 Private Road and how it and it's impacted areas will be managed and treated for erosion control during construction. The Sponsor contends 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 proposed Project will include a construction sequence prepared by the engineer and contractor performing the work outlining how the Private Road will be constructed. In addition, as mitigation for any slopes exposed during construction, 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. As previously discussed in Concern 1 above and detailed in Exhibit 5, 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 LANDLOK® turf reinforcement mats, 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 are presented in Exhibit 5. The SWPPP will be reviewed by the Town and it's Engineer for compliance with NYS SPDES requirements prior to Final Subdivision Approval. 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 and permitted 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 NYSDEC compliant 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 within Exhibit 4 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 by the Sponsor as an additional benefit to the community. The area being disturbed is not considered high value conservation by any accredited professional.

As previously asserted by the Sponsor under Concern 1 earlier in this document, side slope areas where work will be performed on the new Private Road contain no mature trees or noteworthy vegetation. The Sponsor proposes to revegetate all side slope areas which are disturbed as part of the proposed Project work. Therefore, any impact to the roadside slope will be temporary and mitigated.

It is worth restating from the Concern 1 description earlier in this document that Typical engineering practice considers a 3:1 horizontal to vertical slope as "mowable" and stable. In the current proposed Private Road plans, areas of the roadside slope were reduced to 1:1 horizontal to vertical. This proposed Project by the Sponsor significantly reduces the impact to existing sloped areas by reducing the amount of disturbed area.

As outlined by the Sponsor under Concern 2 above, 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. Additionally, the lake will be protected by the existing, functional SWMF located on the Project Site as previously described earlier in this document. That facility is sized to accommodate the new Private Road and has adequate capacity to handle runoff events from the contributory area. The Sponsor has consulted with

the Town Engineer to verify the existing facility (with slight modifications) will function efficiently.

*FEAF Question 1.f. The proposed action may result in increased erosion whether from physical disturbance or vegetation removal (including from the treatment of herbicides).*

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

> *Concern 1. Magnitude of excavation on steep slopes and creation of steep slopes. Construction of the new roadway is upon varying percentage of slopes;*
>
> *Concern 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:[4]

> *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 this proposed Project, the Project Site will disturb approximately 1.1± acres of the 14.7± acres of steep slopes, or 7.5%. Also as part of this proposed Project, the new Private Road will propose approximately 0.54± acres of steep slopes, or an approximate 3.7% overall increase on the site, see Exhibit 19.

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

As previously asserted by the Sponsor under Concern 1 earlier in this document, side slope areas where work will be performed on the new Private Road contain no mature trees or noteworthy vegetation. The Sponsor proposes to revegetate all side slope areas which are disturbed as part of the proposed Project work. Therefore, any impact to the roadside slope 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%).

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 the Sponsor's selected contractor, see Exhibit 7, estimates that the proposed Private Road construction will result in approximately 18,000∓ CY of cut.

After detailed discussion with the contractor selected to perform the work, the Sponsor's engineer has developed detailed 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 stormwater 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.

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 SWPPP as previously discussed.

The Private Road will be 1.9± acres in area, or 2.4% of the entire Project Site.

The construction disturbance of each building lot will only occur during the initial lawn grading. It is important to note that construction on all lots will not be concurrent. It is anticipated that only one or two houses will be constructed simultaneously and the Planning Board has ultimate control over this. Some lots may never be constructed upon. Once the lot is graded, the lot can be seeded and stabilized prior to completion of each residential structure, an effort which is designed to 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 Number | Lot Size (acres) | Range of Potential Disturbance (acres) | Fraction of Maximum Potential Lot Disturbed | Fraction of total lot area Potentially Disturbed |
|---|---|---|---|---|
| 3 | 3.11 | 0 to 0.38 | 0.122 | 0.0048 |
| 4 | 2.78 | 0 to 0.46 | 0.165 | 0.0058 |
| 5 | 2.07 | 0 to 0.55 | 0.266 | 0.0070 |
| 6 | 2.09 | 0 to 0.56 | 0.268 | 0.0071 |
| 7 | 5.02 | 0 to 0.92 | 0.183 | 0.0116 |
| 8 | 5.07 | 0 to 0.81 | 0.160 | 0.0103 |
| 9 | 5.85 | 0 to 1.61 | 0.275 | 0.0204 |
| 10 | 6.70 | 0 to 0.96 | 0.143 | 0.0122 |
| 11 | 46.28 | 0 to 2.73 | 0.059 | 0.0346 |
| Total | 78.97 | 0 to 8.98 | 1.642 | 0.1137 |

As can be noted in the above table, it is the Project Sponsor's conclusion that the maximum potential disturbance of the building lots (8.98± acres) is 11.37% of the total site. Lot construction is limited based on town code regarding impervious surface coverage and, therefore, lot disturbance will 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 low. This is the worst-case scenario for lot disturbance. Since the Planning Board controls the site plan review process through which each lot owner will be required to obtain a permit to build, the Planning Board can meter out site plan approvals to manage the total area being disturbed at any given time, leaving the actual maximum disturbance at any given time under the control of the Planning Board. Some lots may never be developed if, for example, someone wants a larger lot and purchases an adjoining lot to achieve that, or someone purchases a lot to protect their view; there is no requirement that all lots will ultimately be developed.

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 Sponsor contends that 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:

1. Onondaga County Multi-Jurisdictional Hazard Mitigation Plan; Syracuse-Onondaga County Planning Agency ("SOCPA"); April 2010, December 2011.
2. 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:

1. Slide: involving mass displacement of the till along curving or planar surfaces.
2. 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.

Due to these proposed measures and construction sequencing the Project Sponsor does 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.

*FEAF Question 1.h. Other impacts: Magnitude of Project in proximity to the lake.*

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

*Concern 1. Magnitude of excavation on steep slopes and creation of steep slopes*
*Concern 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:[5]

*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*
It is the Sponsor's contention that the submitted design mitigates these concerns. In addition to the items and measures mentioned in SEQR items 1b, 1f and 1h, the proposed Project already has an existing stormwater management facility. The existing facility was designed and installed as an I-2 Infiltration Basin as outlined in the NYS Stormwater Design Manual. It's design and construction were verified to comply with NYSDEC criteria and performance. Runoff from the entire road enters this facility prior to any discharge to offsite areas. It should be noted that it has been brought to the Sponsor's attention that there are some concerns regarding operation and performance of the existing facility. In response to these concerns the Sponsor has tasked RZ Engineering (RZE) to inspect and evaluate the facility, it's performance and efficiency. On a recent field visit RZE noticed several discharges to this facility from adjacent properties. These additional discharges from adjacent properties were not designed to be managed by the Sponsor's stormwater management facility. The design of the facility previously reviewed by the Town of Skaneateles and designed and constructed as part of the previous private driveway construction, in

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

accordance with NYSDEC criteria, did not include discharges from these adjacent properties. They add significant flows and contributory areas to the facility that decrease the effectiveness and performance of the facility. RZE has 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 stormwater management facility is sufficient to handle the Private Road construction and adequately protect the lake from storm water discharges during and after construction, in the opinion of the Project Sponsor. The existing stormwater 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 (Exhibit 20) will adequately mitigate the impacts of the construction on the lake.

The Sponsor has prepared a written Conservation Density Subdivision Road Construction Sequence (Exhibit 13 also discussed under Concern 4) which 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 Private 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.

RZ Engineering, PLLC has prepared a chart comparing three alternates discussed in Concern 4 above (utilizing the existing private drive, construction of the Private Road placing fill on site, and construction of the Private Road hauling fill away). Each alternative lists the amount of material to be cut and filled and associated construction activity with each. The proposed Project currently proposes the second option and anticipates permanent placement of the excess materials in the closest location to the majority of on-site work, Lot 11, to minimize movement of material. Lot 11 is also the largest lot and the Sponsor contends placement in this location would be the least impactful with regards to several environmental factors such as vegetation removal, truck transportation, visual impacts from areas not on the site itself, impacts on the existing driveway and state road to name a few. In January of 2019, the applicant provided a Stockpile Grading Plan (drawing SG-1 within Exhibit 7) to the board describing the area that may be impacted by soil materials removed during road construction. The temporary area (approximately 200'x175') will be utilized to stockpile excavated materials, likely separated into topsoil, shale and other soils. Each stockpile will be managed by procedures for stockpiling soils outlined in the SWPPP for the

project. These separated materials are anticipated to be utilized for driveway subbase, fill around houses and top dressing for residential lots. Leftover materials will be graded and gently sloped into the contour of the existing land on Lot 11. Anticipated grading is presented on drawing SG-1 (Exhibit 7). Actual grades for this area will be determined by the amount of leftover fill required to be blended into the landscape. After permanent placement the entire graded area will be hydroseeded.

| 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 |

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.

*FEAF Question 3.e. Proposed action may create turbidity in a water body, either from upland erosion, runoff or disturbing bottom sediments.*

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

*Concern 1. Magnitude of excavation on steep slopes and creation of steep slopes*

*Concern 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:[6]

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

*Discussion and Mitigation Measures Proposed*
As noted in SEQR items 1b, 1f, and 1h above, the preparation of and adherence to the DEC reviewed and approved SWPPP, construction sequence and Erosion & Sediment Control Plan along with the existence of a functioning stormwater management facility already in place will mitigate the impact of possible erosion issues resulting from the Project construction.

*FEAF Question 3.h. 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.*

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

*Concern 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:[7]

*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*
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 along with the existence of a functioning stormwater management facility already in place will mitigate the impact of possible erosion issues resulting from the Project construction.

*FEAF Question 3.i. The proposed action may affect water quality of water bodies within or downstream of the site of the proposed action.*

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

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

> *Concern 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:[8]

> *Downstream is the lake, which may affect water quality which is an unfiltered source of drinking water for the City of Syracuse, and local town residents who draw drinking water nearby.*

*Discussion and Mitigation Measures Proposed*

As noted in SEQR items 1b, 1f, and 1h above, the preparation of and adherence to the DEC reviewed and approved SWPPP, construction sequence and Erosion & Sediment Control Plan along with the existence of a functioning stormwater management facility already in place will mitigate the impact of possible erosion issues resulting from the Project construction.

| Concern 3 | | | | | | |
|---|---|---|---|---|---|---|
| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
| 9c. The proposed action may be visible from publicly accessible vantage points: (i) seasonally. | Moderate to large | Long Term | Possible to occur | Fairly important | 3. Impact of new road on view | VISUAL |
| Board Rationale:<br>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. | | | | | | |

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

| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
|---|---|---|---|---|---|---|
| 9d. The situation or activity in which viewers are engaged while viewing the proposed action is: (ii) recreational or tourism-based activities. | Large impact. | Long Term | Possible to occur | Fairly important | 3. Impact of new road on view | VISUAL |
| Board Rationale:<br>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. | | | | | | |

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

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 of Concern**

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.

**Summary of Issues to be addressed**

1. Assessment of view impact.

**Summary of Proposed solution for EIS**

1. Applicant 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. Applicant 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 Private Road will appear. That rendering can then be compared to the existing landscape;
5. Applicant will accept input from the Board and other stakeholders as to landscape additions it would like to see to help hide the Private Road.
6. Applicant will provide a planting plan for the west-facing bank of the Private Road.

Solutions to Concern 3

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

According to the Project Sponsor, 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. The Sponsor believes that the building envelopes have been carefully placed on each lot to afford such views More discussion on these restrictions appears later in this document under SEQR items 1b, 1f, 1h and 3e.

2. *Applicant 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. More discussion on these restrictions appears later in this document under SEQR item 9c and 9d.

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

It is the Sponsor's position that previously approved subdivisions within the Lake Watershed to date have not considered visual impacts as in depth as this proposed Project. The Sponsor contends that the current proposed Project could be considered positively with respect to how other projects have affected the view from the lake. It is the Project Sponsor's position that this Project will remove only limited vegetation, none of which involves removal of mature trees or woodlands, and the ridgeline vegetation will be maintained. More discussion on the positive aspects of this subdivision Proposal in contrast to other previous subdivisions in the watershed appears later in this document.

4. *Sponsor will provide an engineer-designed 3D rendering of how the new Private Road will appear. That rendering can then be compared to the existing landscape;*

The Sponsor has provided a rendering.
See Exhibit 10.

5. *Sponsor will accept input from the Board and other stakeholders as to landscape additions it would like to see to help hide the Private Road;*

The Project Sponsor has consulted with a Licensed Landscape Architect and a Horticulturalist. 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. A planting plan is provided in the site plan set, drawing C-6, Exhibit 11.

*6. 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.

**Specific FEAF Determination(s)**

*FEAF Question 9.c. The proposed action may be visible from publicly accessible vantage points: (i) seasonally.*

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

*Concern 3. Impact of new Private Road and overall Project on view*

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

*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*

This question pertains to the impact as seen from officially-designated scenic or an aesthetic resource. The Sponsor interprets this to mean, in this case, as seen from the Lake. The sponsor would contend that there are no other qualifying resources with a view to the property. The Planning Board made a determination of a moderate to large impact under this SEQR item that "11 potential homes would have limited landscaping to preserve everyone's view". For clarity, the Sponsor's Proposal is to subdivide an existing lot into 9 lots, creating the "potential" for 8 additional new single family residential homes. It is important to note that the creation of a residential lot (especially as large as some of the proposed lots are) does not guarantee the creation of a single family residence. It should also be noted that the impact of viewing residential lots and a Private Road from the lake is subjective.

In the opinion of the Project Sponsor, the Design, by the reduction of the number of proposed residential lots to 9, among other measures, has sufficiently mitigated prior concerns regarding the view of the Project Site from publicly accessible vantage points, by: a) It should be noted that almost no one is on the Lake in fall and winter; b) 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, permitting construction of a one-story or Cape-style home with the possibility of a daylight or walk-out basement to l not protrude into the major sight lines

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

from home sites behind these lots, and c) To reduce the mass of the homes as viewed from across the lake and seen against the existing hillside.

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 Sponsor has included measures that they anticipate will limit the Project's visibility from the publicly accessible vantage point of Skaneateles Lake. The Sponsor contends that as it now exists, the Private Drive is considered difficult to see.

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

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

*Concern 4. Impact of new road on view*

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

*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 standard of zero impact, because that would prevent all new construction, residential or otherwise. The Project Sponsor argues a home being constructed on the lake shore, as has been done many times, 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.

The *Full Environmental Assessment Form (FEAF) Workbook* gives the following instruction: "When answering this question, first determine if an officially designated scenic

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

or aesthetic resource is present."[11] The Workbook explains:

> Officially designated scenic areas include scenic byways, scenic roads, scenic areas of statewide significance, scenic trails, and scenic rivers. Other designated areas may also include places or sites listed on the National or State Registers of Historic Places, State Parks, State Forest Preserve areas, State Game Refuges, National Natural Landmarks, and National Park Service Lands. Note that other areas may also be designated for scenic and aesthetic reasons at the local level. For example, some local municipalities have conducted their own scenic inventory and have designated those areas in county or local plans, and may include municipal parks and designated open spaces, local roads, or historic areas. Others have designated critical environmental areas for aesthetic reasons. Publicly accessible aesthetic or scenic resources are those that can be viewed from public lands or on public roads.[12]

The Project Sponsor advocates that while the above certainly describes Skaneateles Lake, it does not describe West Lake Road, East Lake Road, or any other *land* in the vicinity, as there is none so designated. It could only be interpreted to describe Skaneateles Lake. Therefore, the Sponsor contends that the DEC Workbook provides support for consideration of this impact only as it pertains to a viewpoint from on the Lake and the comment in the determination, "...not just on the water" is an overexpansion of the provision, as it is only from the water that the law provides a basis for this determination. That impact (viewed from the Lake) will be determined subjectively on a person-by-person basis. The Private Road will not block or obstruct the views of the Lake itself from any vantage point.

The determination that reworking the (already existing) road will have a "large impact" must reconcile with the examples given in the *Full Environmental Assessment Form (FEAF) Workbook*. The two examples of large impacts for this item, as identified in this handbook, are:

- "a project that removes 10 acres of woodland on a completely wooded hillside"
- "a 300 unit residential complex proposed on a parcel that is surrounded by large agricultural fields seen from a scenic byway"[13]

Additionally, the Project Sponsor contends that Private Road design has attempted to mitigate the Project's visibility from publicly accessible vantage points, by: a) The Private Road will not be visible from any perspective off the property; b) The driveway is currently

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[11] https://www.dec.ny.gov/permits/91750.html

[12] https://www.dec.ny.gov/permits/91750.html

[13] ibid

difficult to see and it will become less visible if it is set lower into the hill; and c) A design that creates a vegetated berm that will serve to screen it from view. It is the Project Sponsor's opinion that Under the Design presented in this FEIS, no vantage point (Lake, across the Lake, or East Lake Road) presents a view of the proposed Project that is a "sharp contrast" to the surrounding land. See Exhibit 10 for a visual rendering.

The Project Sponsor is also of the opinion that 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 area, 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.

The Project Sponsor also emphasizes for perspective that, 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 lakeshore, completely visible from users of the lake.

Combined with the count of homes along East Lake Road, it is the Project Sponsor's conclusion that more than 340 residences already in existence that may be seen by recreation users of Skaneateles Lake along this 5-mile stretch of land.

The Sponsor contends that increasing the figure of 340± single-family homes along this residential area by eight additional homes will not create a negative impact. The Sponsor contends that without an objective way to assess such a minor change, assessment measures must be qualitative in nature, such as "sharp contrast to surrounding land uses seen from or in the scenic resource (the Lake)" and "of a scale, color or dimension that will be highly visible from the publicly accessible scenic resource." The Sponsor asserts that the addition of eight home sites to a landscape already containing approximately 340 would not result in land use that is in "sharp contrast" to surrounding land. The proposed action does not mimic or contribute to this situation--that of conventional sprawl development--that already exists. Moreover, the proposed new homesites are not in the eastern portion of land that has been determined to be of high conservation value because of its scenic value.

The Project Sponsor also contends, as it now stands, the existing driveway is difficult to see from the lake and the opposite shore of the lake. With the proposed Private Road being cut into a lower elevation, creating a berm between it and the lake, the Private 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 Private Road to further hide it per the

Planting Plan, Exhibit 11.

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

The proposed homes will be 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.

In addition, the Project Sponsor suggests mitigation will result from deed restrictions have been put in place by the Sponsor to 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 vertically "competing" with another lot to overcome obstructions created downhill. Lots 3, 4, 6, and 8 will have rooftop height deed restrictions allowing a height not to exceed 25' above the median elevation of the building envelope as determined by the Sponsor's design professional.

| Concern 4 | | | | | | |
|---|---|---|---|---|---|---|
| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
| 1h. Other impacts: Magnitude of project in proximity to the lake. | Moderate to large Impact | Medium term – there is always going to be runoff | Possibly will occur | Very important | 4. Amount of earth being moved on "sensitive steep slope" | LAND |
| Board Rationale:<br>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. | | | | | | |

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

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

**Summary of 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?

**Summary of 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 alternatives 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.

Solutions to Concern 4

*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 Density Subdivision Road Construction Sequence Exhibit 12 and phasing plans Exhibit 13 in addition to the construction sequence to be provided as part of the proposed Project's Storm Water Pollution Prevention Plan ("SWPPP") and SPDES General Permit for Storm Water Discharges from Construction Activity. As previously noted in Concern 1, Item 3, construction will involve negligible areas of steep slopes identified in the Conservation Analysis deemed as land of high conservation value. More discussion on the construction operation appears later in this document under SEQR item 1h.

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

The Sponsor and its engineer have identified three main alternatives for construction of the Private Road to provide access to the new lots created by the proposed Project. The first option would be to utilize the existing road with modifications for upgraded safety which would require exemptions from the Code (mainly the slope of the existing road is steeper than the Code allows). Option two is to construct the Private Road per the current Proposal, which meets Code and places the excess fill on site utilizing the vast amount of vacant area available. The third option would be to construct the Private Road per the Proposal, but haul the fill off-site to a suitable location. More discussion on these options appears later in this document under SEQR item 1h.

*3. The Sponsor and the Board acknowledge that this item will likely be addressed*

Please see Items 1b, 1f, 1h, and 3e for mitigating measures to be undertaken for Concerns 1, 3, and this Concern (4).

*4. Discuss alternatives and mitigation measures;*

The Sponsor has listed several alternatives and discusses their impacts and effects under the "Alternatives" section later in this document.

| Concern 5 | | | | | | |
|---|---|---|---|---|---|---|
| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
| 17. Consistency with community plans, h. Other: i: precedent setting development on a steep or difficult site. | Moderate to large impact. | Long Term | Possible to occur | Fairly important | 5. Potential for existing project to inspire similar future projects on steep slopes | COMMUNITY PLAN |
| Board Rationale:<br>The Project may encourage development on similar steep slopes in the watershed. | | | | | | |

| FEAF | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
|---|---|---|---|---|---|---|
| 17. Consistency with community plans, h. Other: ii: precedent setting: shared lakefront access encouraging other actions. | Moderate to large impact. | Long Term | Possibly will occur | Very important | 5. Potential for existing project to inspire similar future projects on steep slopes | COMMUNITY PLAN |
| Board Rationale:<br>Encourages development, with multiple households sharing 40-foot lake frontage, impact on neighborhoods, the lake, fostering similar development. | | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 18. Consistency with community character, F. Proposed action is inconsistent with the character of the existing natural landscape. | Moderate to large impact. | Long Term | Probably will occur | Very important | 5. Potential for existing project to inspire similar future projects on steep slopes | COMMUNITY PLAN |
| Board Rationale:<br>Construction of the Project Road is inconsistent with the character of the existing natural landscape. | | | | | | |

**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 proposed Project meets code. Each Project does need to be assessed on its own merits.

**Summary of Proposed Solution for EIS**

1. *The Sponsor will review how this proposed Project is compliant with current Code.*

**Solutions to Concern 5**
The Sponsor contends that approving this Project, designed to meet or exceeds code, cannot be argued to set a precedent for future projects, for the following reasons: a) This project succeeds or fails on its own merits, and unique conditions, not the merits or conditions of an imagined future projects, which also must meet code requirements; b) The Sponsor, in conjunction with local, competent design professionals, has developed a plan that addresses and either meets or exceeds minimum code requirements as demonstrated herein; c) The activities proposed as part of this Project and enumerated herein, have, to a lesser degree, already been demonstrated by the Sponsor's professionals to be possible and manageable. For example, there is an existing Private Driveway for which earth has been moved, there are houses on the site, stormwater management is already in place, and so on. Finally, as outlined earlier in this document, the Sponsor contends that working within the approved Comprehensive Plan resolves such concern and sets a positive precedent for future developments.

The Project Sponsors offers that 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 Subdivision 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 proposed 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 Project Sponsor contends 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 will be preserved in perpetuity as a mitigating factor.

*FEAF Question 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:

*Concern 5. 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:[14]

*The Project may encourage development on similar steep slopes in the watershed.*

*Discussion and Mitigation Measures Proposed*

The proposed 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 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.

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

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

The Project Sponsor contends the proposed 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.

Lastly, the Sponsor contends that slope of land is irrelevant because this type of development is subject to thorough review and stormwater control, unlike 1- to 4-lot subdivisions. Moreover, the addition of stormwater control systems to slopes represents an improvement over its natural state. The Sponsor wishes to point out that rejecting well-designed projects that mitigate concerns related to slopes will only incentivize the less-regulated 1- to 4-lot subdivisions in these areas, which is a potentially negative precedent.

*FEAF Question 17. Consistency with community plans, h. Other: ii: precedent setting: shared lakefront access encouraging other actions.*

> The specific concern (outlined in Impacts and Mitigation section above) voiced by the board for this SEQR item:
>
> > *Concern 5. 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:[15]
>
> > *Encourages development, with multiple households sharing 40-foot lake frontage, impact on neighborhoods, the lake, fostering similar development.*

The Sponsor contends that it has disavowed the use of the existing access easement for Shared Lakefront Recreation use; permitted use of the land is only for access to the lake. There is no Shared Lakefront Recreation. The Sponsor will require each buyer of the potential lots to sign a statement acknowledging that they have been informed of the difference between lake access and Shared Lakefront Recreation, and that lake access only permits access to the lake, and not recreation on the land.

The Project Sponsor contends the concern for lake access is misconstrued as Shared Lakefront Recreation. The Pedestrian Access Easement, and Shared Lakefront Recreation are all separate issues from potential future development on slopes and are not related. Shared

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

Lakefront Recreation is not part of this proposed Project. The existing Pedestrian Access Easement is an entirely different legal document that issues only one positive right, which is pedestrian access across the land. No right to any other activity is granted by this easement.

FEAF Question 18. Consistency with community character, F. Proposed action is inconsistent with the character of the existing natural landscape.

> The specific concern (outlined in *Impacts and Mitigation* section above) voiced by the board for this SEQR item:
>
> > *Concern 5. 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:[16]
>
> > *Construction of the Project Road is inconsistent with the character of the existing natural landscape.*

*Discussion and Mitigation Measures Proposed*

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.

The Project Sponsor points out that this proposed 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 windmills or a multi-story 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 similar to the character of the existing natural landscape. The design sufficiently or completely mitigates the concerns regarding inconsistencies with the existing natural landscape.

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

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.

In response, Appel Osborne did the second Conservation Analysis on this property. They did in fact create simulated 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 Conservation Analysis.

The Project Sponsor contends the design 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.

Regarding the issue of community character, Project Sponsor contends that 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 area, 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 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, the Project Sponsor contends 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 Sponsor contends that increasing the figure of 340± single-family homes along this residential road by eight additional lots (ranging from zero to nine additional new homes) does not create area out of consistency with the existing natural landscape. by: a) the two closest of the eight additional houses to be added will be approximately 500 feet or more from East Lake Rd.; b) the other seven houses to be added will not be seen from East Lake Rd at all; and c) all of the houses would be located well outside of the littoral zone.

As a result, the Project Sponsor contends that most of the Private 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.

| Concern 6 | | | | | | |
|---|---|---|---|---|---|---|
| FEAF Question | Magnitude of Impact | Duration of Impact | Likelihood of Impact | Importance of Impact | Board Concern | Category |
| 17. Consistency with community plans, h. Other: i: precedent setting development on a steep or difficult site. | Moderate to large impact. | Long Term | Possible to occur | Fairly important | 6. Potential for an access easement to be construed as lakefront recreation | COMMUNITY PLAN |
| Board Rationale:<br>The Project may encourage development on similar steep slopes in the watershed. | | | | | | |

**Concern 6. Potential for an Access Easement to be Construed as Shared Lakefront Recreation**

**Summary of Concern**

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 of Issues 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.

**Summary of 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.

Solutions to Concern 6

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 points 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 proposed 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. To the extent that residents of the proposed subdivision use this access easement instead of existing public access points, this will reduce vehicle traffic in the watershed, Town, and Village.

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 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. The Sponsor is not proposing the use of land for recreational purposes as part of this subdivision application. It is the Sponsor's contention that there is no proposed 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." No other right is conferred. Any violations of the Town's ordinances concerning Shared Lakefront Recreation use would be enforced by the Town's Codes Department, if verified.

Specific FEAF Determination(s)

*FEAF Question 17. Consistency with community plans, h. Other: ii: precedent setting: shared lakefront access encouraging other actions.*

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

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

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

Planning Board:[17]

*Encourages development, with multiple households sharing 40-foot lake frontage, impact on neighborhoods, the lake, fostering similar development.*

*Discussion and Mitigation Measures Proposed*

The Sponsor contends that the rationale includes a mischaracterization of the existing lake access easement, as multiple households are not "sharing 40-foot lake frontage" in a conventional sense, but rather they will simply have pedestrian use rights to periodically access the lake via this 40-foot strip of land (ingress/egress into and out of the Lake), limited and restricted as set forth above.

## 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. The Project Sponsor contends the following mitigation measures will limit potential impacts:

*Noise*

During the construction of the Private 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 homes, and while installing exterior finishes. Interior construction produces less noise. 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. Common best management practices included sprinkling water on dust-producing areas.

*Earth Disturbance*

The majority of the earth disturbance is done during the approximately two-month period

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

the Private 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 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 Private Road phase will be on site. The home construction traffic activities will include the delivery of materials and workers 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

The Project Sponsor contends the nature of the property uses in the Project Site vicinity support a Conservation Density Subdivision for the construction of single-family homes as the most appropriate alternative use for the Project Site. The proposed Project is 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 fertilizer runoff issues in the former case while Ag-Tourism will greatly increase traffic. The first three alternatives presented below make use of the existing private driveway as-is.

*Alternative 1.a. Viticulture (Active Farming):*
The option of no changes to the existing private driveway led the Sponsor to pursue the remaining economic options consistent with this alternative. Although the land is poor for traditional crops, traditionally poor land can be ideal for viticulture because it stresses the grapes, creating what is known as "terroir", or characteristics specific to a given parcel or location.

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. 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 Cornell University itself, "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." The following charts from a Cornell University publication[18] detail the fertilization issue with such agriculture:

[18] *Extension Bulletin, D. Oh, S. Kananizadeh, M.I. Gómez, T. Martinson. 2016 "Cost Of Establishment and Production of Cold Hardy Grapes in the Chautauqua Region of New York-2015," Extension Bulletin 2016-01, Charles H. Dyson School of Applied Economics and Management.*

## APPENDIX

Appendix Table 1: Sample Herbicide Program for Cold Hardy Grapes, Chautauqua-Lake Erie Region, NY, 2015

| | Material | Rate/acre | |
|---|---|---|---|
| **Year 0 (Site prep.)** | | | |
| Custom herbicide | glyphosate | 4.0 | qt. |
| | Am.sulfate | 1.7 | lb. |
| **Total for site preparation** | | | |
| **Year 1** | | | |
| Chem. weed control- trellis | Surflan | 1.25 | qt. |
| Chem. weed control- spot | glyphosate | 2.0 | qt. |
| | Am.sulfate | 1.7 | lb. |
| Total for treatment | | | |
| **Total for Year 1** | | | |
| **Year 2-3** | | | |
| Chem.weed control- trellis | Prowl H2O | 6 | qt. |
| Spot herbicide treatment | glyphosate | 2 | qt. |
| | Am. sulfate | 1.7 | lb. |
| Total for treatment | | | |
| Spot herbicide treatment | glysophate | 2 | qt. |
| | Am. sulfate | 1.7 | lb. |
| Total for treatment | | | |
| **Total for Year 2-3** | | | |
| **Year 4-25** | | | |
| Chem.weed control- trellis (every 5yrs) | Chateau | 12 | fl oz. |
| Spot Herbicide Program (Applied to 1/3 planted acre) | | | |
| Pre-emergent | Alion | 4 | oz |
| | Glysophate | 1.5 | qt |
| | Aim | 2 | oz |
| Post emergent (optional) | Glysophate+Aim | NA | NA |
| | Glysophate+Am.Sulf | NA | NA |
| | Paraquat | 2 | pt |
| Total for treatment | | | |
| **Total for years 4-25** | | | |

Appendix Table 2: Sample Fertilizer/Soil Program for Cold Hardy Grapes, Chautauqua-Lake Erie Region, NY, 2015

| | Material | Rate/acre | |
|---|---|---|---|
| **Year 0 (Site prep.)** | | | |
| Soil sampling- I test/5 acres, 2 depths | N/A | 0.4 | acre |
| Lime (custom application) | Lime | 2 | tons |
| Fall fertilization | Muriate of Potash | 300 | lbs. |
| **Total for year 0** | | | |
| | | | |
| **Year 1** | | | |
| Fertilization (banded) | 10:10:10 | 30 | lbs. |
| **Total for year 1** | | | |
| | | | |
| **Year 2** | | | |
| Crop nutrition | Nitrogen | 80 | lbs. |
| **Total for year 2** | | | |
| | | | |
| **Year 3** | | | |
| Crop nutrition | Nitrogen | 100 | lbs. |
| **Total for year 3** | | | |
| | | | |
| **Year 4+** | | | |
| Soil application (every 5yrs) | Solubor (20%B) | 2.5 | lbs. |
| Fall fertilization (every 2nd year) | Muriate of Potash | 300 | lbs. |
| Lime (1 in 5 years) | Lime | 1 | ton |
| Petiole sampling | | 0.16 | acre |
| Soil sampling (every 5th year) | | 0.2 | acre |
| | | | |
| Crop nutrition | Nitrogen | 100 | lbs |
| | | | |
| **Total for Year 4+** | | | |

According to these viticulture experts, the Project Sponsor contends that viticulture experts quoted in the publication in Exhibit 24 state that 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. The Project Sponsor also contends Active viticulture using the existing private driveway is a permitted and viable alternative. Viticulture, however, 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 proposed Project.

- 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 Private Road and homes. The Sponsor contends that the visual open scar created would be in stark contrast to the vegetated adjoining areas of the neighboring parcels. Clearing brush for agricultural purposes on a parcel zoned for agriculture does not require a special use permit.
- Mathematically, the *annual* tilling of acreage a multiple of size the 8.98 acres that are subject to a one-time disturbance under this proposed Project would produce exponentially more soil runoff over time than that which could result under this proposed Project, and would require no mitigation.

*Alternative 1.b. Agritourism:* New York state law encourages agritourism projects. These projects include such businesses as wedding venues, microbreweries, wine tasting rooms, cideries, clay target shooting, and pumpkin patches. To supplement the viticulture business described in 1.a., the Sponsor would consider this activity. With its proximity to the Village, this is a good site for such activities, however these types of businesses tend to bring a lot of traffic and require all of the damage to the watershed associated with active agriculture.

*Alternative 1.c. Zoning Change:* 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 the Sponsor believes it would not have been favorably received by the Town. Given the nature of the vicinity, neither apartment buildings nor light industry feel appropriate to the Sponsor. 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.

*Alternative 2: As-Is Driveway in Exchange for the Forfeiture of Additional Development Rights, AKA 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 and forfeiting tax benefits from putting the parcel into conservation itself. 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. However, after months of meetings pursuing this alternative, upon the input and recommendation of the Fire Chief, the Planning Board instructed the Sponsor to present "a proposal that meets code." The Sponsor continues to believe that this is a reasonable alternative.

*Alternative 3: The "Enhanced Reasonable Approach"*

Alternative 3 was a proposal to increase the paved road width beyond the 13-foot minimum required by existing zoning code for a Conservation Density Subdivision Road to a paved width of 18 feet, 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 to be super-elevated toward the inside of the curve instead of the typical road crown section which pitches half the road toward the outside, but to leave the existing grade unchanged to reduce the amount of earth disturbance. 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 discouraged 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 included the installation of underground water storage tanks totaling 20,000 gallons near the proposed home sites 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 even though the concerns expressed by the former Fire Chief had been addressed by on-site water storage, because the Fire Chief concluded that keeping a designed Private Road at 12% grade is a requirement.

According to correspondence dated October 2, 2020 from current Skaneateles Fire Chief Peter Buehler, the position of the Skaneateles Fire Department has not changed.

The Sponsor's Proposal to widen the existing private driveway and add additional pullouts and guide rails would have created almost no disturbance. The currently-mandated road width of approximately 140% of code minimum directly results in nearly 40% of the earth work involved in the proposed Project and which was subsequently cited by the Planning Board as being of potential environmental concern.

The Sponsor contends that Alternative 3 is a good alternative to the proposed Project.

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

The Project Sponsor contends that 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 proposed Project, earthwork would be reduced by approximately 80-90% and the driveway would be very close to the maximum 12% slope specified by Code. The Sponsor continues to advocate for this solution mainly because the original intent of a Conservation Subdivision is to decrease the amount of infrastructure required. This can be done while keeping safety paramount.

The Project Sponsor contends this alternative would involve significantly less construction and earthwork than the current proposed Project. This alternative was rejected by the Planning Board, requesting instead, "a plan that meets code".

The Sponsor contends that Alternative 4 is a good alternative to the proposed Project.

*Alternative 5: Construct the Proposed Conservation Density Subdivision Road to Meet Code, but not Exceed Code by 40% as Requested by Former Fire Chief Dan Evans*

This alternative would construct the Conservation Density Subdivision Road to meet existing minimum Town Code for a Conservation Density Subdivision Road and would add all of the Sponsor's proposed safety enhancements of guide rails, on-site fire-fighting 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 Subdivision Road were 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 Private Road being narrower (but still meeting code) and the total disturbed area being reduced, any concerns regarding visual impact, soil erosion, and construction on slopes would also be reduced.

The concept of exceeding the minimum code width by 40% was requested by former Fire Chief Evans due to the potential need to daisy-chain fire trucks to pump water to homesites in the event of a house fire. However, the potential need for firefighting water on-site was addressed by the addition of 20,000 gallons of underground water storage, an amount specified by Fire Chief Dan Evans. The Sponsor contends that the addition of water tanks obviates the need for excess road width. Current Fire Chief Pete Buehler has stated that the Skaneateles Fire Department's position has not changed from that issued by Fire Chief Dan Evans. (See Appendix item 25.)

While this alternative would reduce the amount of required earthwork by approximately 40%, it was discouraged by the Planning Board based upon input from the Fire Chief.

The Sponsor contends that Alternative 5 is a good alternative to the proposed Project. Alternative 5 meets the Planning Board's request for "a plan that meets code."

*Alternative 6: 17-Lot Open Space Subdivision*

This alternative would use the same proposed Conservation Density Subdivision Road with only minimal modifications and would thus have the same impact as the proposed Conservation Density Subdivision Road. The Sponsor did not pursue this alternative after incorrectly speculating that the currently proposed Project would be more readily accepted by the Planning Board.

Summary of 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 currently proposed Project. 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 document, the Sponsor has developed the Proposed Design, a Conservation Density Subdivision, that requires a driveway re-design, 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 concerns.

In the Alternatives Section, above, Alternative 1.c 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 potentially 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 code specifications for the Private Road for Sponsor's proposed Project.

The Sponsor's original proposal to leave the road untouched would have created no disturbance to the road area. In the Alternatives Section, above, Alternatives 2, 3, 4, and 5 all significantly reduce the amount of earth being moved, which is the best way to reduce the potential impact from moving earth. Alternative 5 meets code. All of these Alternatives, including Alternative 5, which meets code, were discouraged by the Planning Board.

The Project Sponsor contends significant thought and effort have gone into the current Private Road design, including alternate road geometry, alternate routes, and consultation with the local fire department chiefs, which resulted in a proposed Project designed to significantly increases the safety, navigation, and ease of maintenance over the existing configuration by, among other enhancements, re-banking the road curve and adding guide rails where needed.

In addition, the Project Sponsor's position is that Alternative 4 is a modification of the original proposal 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. It is the position of the Project Sponsor that this Alternative, with significantly reduced excavation compared to the proposed Project, earthwork would be reduced by approximately 90% and the driveway would be very close to the 12% slope, required 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 discouraged by the Planning Board.