

Minutes of the Planning Board of the Town of LaFayette held in the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette on May 18, 2004 at 7:00 p.m.

Present: James Nakas, Chairman
Richard Markoff, Member
Barbara Lasky, Member
Bradley Bush, Alt. Member

Absent: James Quartier, Member
Andrew Peebles, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, Planning Board Attorney
John Dunkle, Town Engineer
James Webb, Applicant
Ed Keplinger
James Cecile, Attorney
Helen K. Nelson, Applicant
Frank Nelson, Applicant
Nick Azzolina 4163 W. Shore Manor
Jim Webb, Applicant
Ron DeRollo, Applicant
Herb Naumann, Applicant
Ted Bay, 4252 W. Shore Manor
Ann Chase, 4132 W. Shore Manor
Richard Braungart, 2047 Jamesville Terrace
Karen Brower, 4190 W. Shore Manor
Steve Chase, 4132 W. Shore Manor
Roger Praetorius, 4155 Route 91
Jane Praetorius, 4155 Route 91
Resident, Peck Hill Rd.
Tim & Kathy Keough, 5100 Highbridge St.
David Broda, 2043 Jamesville Terrace
Paola Naselli, 4184 W. Shore Manor
Barbara Coughlin, 4144 W. Shore Manor
Mike Seemann, 4150 W. Shore Manor
Bonnie Seemann, 4160 W. Shore Manor
Veronica Michalenko, 4174 W. Shore Manor
Edward Michalenko, 4174 W. Shore Manor
James Cromley, 3033 Route 11
Marcia Rothschild, 4127 Pompey Rd.
Linda Maloney, 4110 Rte. 91
Nancy Ferrante, 4109 Pompey Rd.
Elaine & Bob Spaulding, 4701 Bamerick Rd.
J. C. Brower, 4190 W. Shore Manor

Kathryn Bolsei, 4274 W. Shore Manor
John Bolsei, 2474 W. Shore Manor
Donna Glassby
Jamie Kriz-Orso, 2071 Jamesville Terrace
Maureen Fulmer, 2059 Jamesville Terrace
Mark Fulmer, 2059 Jamesville Terrace
Frank & Liz Mt Pleasant, 4212 W. Shore Manor
Tim Brayman, 2051 Jamesville Terrace
Georgia Mushow, 4214 W. Shore Manor
George Mushow, 4214 W. Shore Manor
Kate Cahill, 4208 W. Shore Manor
Chris Fleet, 4132 Rte. 91
Sheila Harrington 2055 Jamesville Terrace
John Tyo, 2055 Jamesville Terrace
David Blackett, 3026 Route 11
Louise Zgardzinski, 4130 Route 91
Pauline Mattes, 4115 Pompey Rd.
Sue Phillips, 4186 W. Shore Manor
Kyle LaTray, 4142 W. Shore Manor
Logan
Joseph Jerry, Attorney
Jeffrey Cohen, Applicant
Tom Sheedy, Applicant
Jim McKeever, Post Standard
Joseph Orso, 2071 Jamesville Terrace
Marc Cohen, 5201 Hogs
Christine Keenan, Applicant
Mr. & Mrs. Morezak, Applicants
Mr. & Mrs. Carter, Applicants

Chairman Nakas welcomed everyone. He said Member's Quartier and Peebles are absent tonight. Bradley Bush is present as an Alternate Member. He asked if the Board had a chance to read the April 20th Planning Board Meeting Minutes and if there were any corrections or additions.

Member Lasky said the last sentence on page 2 should be changed from "gong" to "going".

Chairman Nakas said on page 3, the 21st line from the bottom should read "decibel".

There were no other corrections or additions.

Chairman Nakas said the April 20, 2004, Planning Board Meeting Minutes will stand as submitted by the secretary with the above corrections.

CASE # 322 Public Hearing for appeal of James Webb for Controlled Site approval of his property located on the west side of Route 11 approximately ¼ mile north of the Sentinel Heights Rd. and Route 11 intersection in a Business District.

(Changed from public hearing to sketch plan conference as new plans submitted).

Chairman Nakas said this is a sketch plan conference as the site plan has completely changed. James Webb submitted a new site plan dated 5/18/04 and prepared by Keplinger, Freeman & Associates. He advised they were proposing a subdivision and controlled site but they are now proposing to do a controlled site plan only. They are going to place the house so it will fit inside a 1-lot development, 5-lot development or 6-lot development so if they ever come back to the Board to bring the subdivision back on the table, they have placed the house properly so it will still work.

Chairman Nakas asked if he would be requesting a zone change again from Commercial to Agricultural/Residential.

James Webb said possibly.

Member Markoff asked if he would be selling this home or would he use it for a model.

James Webb said right now it will be used as a model. Down the road it may be sold.

Member Markoff asked if someone came in 2 months from now and wanted to buy the house, would he sell it?

James Webb said probably not but everything can be sold for a price.

Chairman Nakas said this would actually be an office.

James Webb said no one would live there. It will be used as a model.

John Langey said they are not proposing a road anymore but just a driveway. They are not using a neighboring lot for a drainage area.

Chairman Nakas asked how far the house is from Route 11.

James Webb said 622'. They might back it up a little.

Chairman Nakas said one of the comments from the county was that if the applicant didn't change the district back to Agricultural/Residential you might not be able to control what goes on in the lots that you sell. If the zoning stays the way it is now, you would have less control over what goes on around there.

John Langey said they could do covenants which the Planning Board could make one of the conditions for approval.

James Webb said you have the power with the site plan review. They have to have the commercial zoning to do what they want to do.

John Langey said because this is a site plan, the Board should be asking about landscaping and signage, etc. If you approve the plans, all the applicant has to do is what is on the plans.

Chairman Nakas said parking, lighting, signage would all have to specifically be spelled out.

James Webb said he is unprepared for what they are asking. Yes, they will have nice landscaping. Yes, they will have parking. Yes, they will have lighting. They would have to have a variance for a sign larger than 32 square feet.

John Langey said if you are going to have parking, lighting, location of a sign, they must all be shown to this Board so it can be part of the approval.

James Webb said if he can't get this thing going this summer, he will basically be scrapping this project and putting it up for sale. He is getting tired of it.

Chairman Nakas said the plans have changed a couple of times and not because of this Board.

James Webb said he has always been asking for a site plan review.

John Langey said this is a different plan. It's not what the Board looked at during the last meeting. He can't let the Board go forward on a totally new set of plans.

Chairman Nakas said this is the first time he has seen these plans. Meanwhile, this Board has wasted its time and the County Planning Board's time sending referrals. This Board has done its job and was all set for the approval and the applicant would have been done.

John Langey said apparently the neighboring property owner is nonresponsive to James Webb.

Chairman Nakas said that is no fault of this Board.

James Webb apologized. He asked if this is a public hearing on the controlled site application.

Chairman Nakas said no. This is just a sketch plan conference.

James Webb asked what the Board wants to hear from him at the next meeting.

Chairman Nakas said he will need all signage, lighting, parking, landscaping, etc. shown on the map.

This will be scheduled for a public hearing at next month's meeting.

CASE # 333 Public Hearing for appeal of James Webb for a 7-lot subdivision of his property located on the west side of Route 11 approximately ¼ mile north of the Sentinel Heights and Route 11 intersection in a Business District.

The applicant has withdrawn the application at this time.

CASE # 335 Public Hearing for appeal of Ron DeRollo for a 2-lot subdivision of his property located at 4131 Route 91 approximately 1 ½ mile south of the Route 91 and Route 173 intersection in an Agricultural/Residential District.

Ron DeRollo submitted a revised map dated 4/23/04 and prepared by Cottrell Land Surveyors. He said they have approximately 3 acres and are cutting it in half. They will either sell the new lot or build on it.

Chairman Nakas asked where they are located.

Ron DeRollo said about 50 yards south of Burns Cove.

Chairman Nakas said County Planning had two comments on this. 1) The northern existing driveway on Route 91 from proposed Lot 2 shall be closed; a single driveway shall be allowed from each proposed lot to meet the requirements of the New York State Dept. of Transportation. 2) Town approval shall be contingent upon approval of septic systems for both proposed lots by the Onondaga County Health Dept.

Member Markoff asked if any of the neighbors are present as there are no neighboring property owners noted on the map.

John Langey asked him to show where the septic system is.

Pauline Mattes came forward. She owns a private road bordering the applicants property.

Ron DeRollo said the private road is not on his property. He explained the plan to the Board and how he would change his driveway.

Chairman Nakas asked if he would sell Lot # 1 eventually.

Ron DeRollo said yes.

Chairman Nakas asked if he would hang onto Lot # 2.

Ron DeRollo said yes.

Chairman Nakas asked if the county was aware he had a business located there and would like to keep the circular driveway.

Ron DeRollo thinks they would be O.K. with his plan to change the driveway.

John Langey said County Planning is stating he needs to close the driveway to the north. Has he been to the D.O.T. to get sight distance to add another driveway to Lot # 2? If he is going to be making 3 cuts onto the road, he needs the D.O.T. to approve them. Right now the Board can't approve this unless they choose to over-rule County Planning. To do this the Board must have a majority plus one vote and a good reason. If the applicant can't get approval from the D.O.T., the Board would have a reason to over-rule the County.

Chairman Nakas asked Ron DeRollo if he would be willing to get a letter from the D.O.T. identifying the best place to put these driveways. They might not like 3 cuts onto Route 91.

Ron DeRollo will contact them. He doesn't know how else to do it.

Chairman Nakas said he would like to keep a circular driveway for the business.

Ron DeRollo said one condition to get approval to have his business a few years ago was that he have a circular driveway.

Chairman Nakas said he was advised he had to have one egress and one ingress.

John Langey said now he has changed his plans. County Planning is saying since he is changing his plans, he needs to change the driveway. He doesn't know at this time if there is good reason to over-rule the County.

Chairman Nakas asked the applicant to contact the D.O.T. to get a letter advising as to where they would like to see these cuts made.

Ron DeRollo said sure.

Chairman Nakas asked for any other questions or comments. There were none.

Member's Markoff moved and Lasky seconded the motion to close the public hearing. Motion passed unanimously.

The public hearing closed at 7:35 p.m.

Chairman Nakas asked the applicant to get a letter from the D.O.T. and neighboring property owners names should be put on the map.

CASE # 336 Public Hearing for appeal of Helen Nelson for a 4-lot subdivision of the Anna Keough Estate located on the west side of Route 91 approximately ½ mile south of the Jamesville Dam in an Agricultural/Residential District.

The applicant submitted a map dated 4/28/04 prepared by Jay D. Holbrook, Land Surveyor.

Jim Cecile introduced himself as the applicants attorney. There is approximately 10 acres of land on the Jamesville Reservoir. To settle the estate they are dividing this into 3 parcels. There's a 4th lot that will be joined to the Praetorius property. They are just looking for approval from the Board to subdivide this so it can be divided among the beneficiaries of the estate.

Chris Keenan asked what side of the reservoir the applicant is on.

Jim Cecile said the east side.

Chairman Nakas reminded everyone to identify themselves and give their address when speaking.

Jim Cecile said the Praetorius's are joining in the application and Lot # 4 will be joined to their land.

Chairman Nakas reviewed the comments from County Planning. 1) Proposed Lot 4 must be resubdivided with the adjacent parcel to create a single lot.

John Langey said that is what they are discussing regarding Lot # 4.

Chairman Nakas said their other comment is "The applicant must provide an engineering study to verify to the New York State Dept. of Transportation that the proposed development would not create additional stormwater runoff into the state's drainage system. If additional runoff is created, the applicant shall be required to submit a mitigation plan to the New York State Dept. of Transportation for approval and implement any mitigation required."

Jim Cecile said they are asking the Board to waive that condition at this time as it will be stamped right on the lots that they are not approved building lots.

Chairman Nakas said County Planning's third comment is "Any proposed driveways shall be a shared access to meet the requirements of the New York State Dept. of Transportation."

Jim Cecile said he has a letter from the D.O.T. regarding the lots and driveway approvals. He submitted a letter dated May 11, 2004 and signed by Scott R. Bates stating "We have determined that our sight distance requirements for the posted speed limit of Route 91 can be satisfied at various locations along the property frontage of Lots 1 and 2. However, this is not the case for Lot 3. The proposed driveway for Lot 3 shall be located as close to the northern property line as possible to maximize the sight distance to the south that is restricted by a crest vertical curve."

Chairman Nakas asked for any questions or comments. There were none.

Member Markoff moved and Alt. Member Bush seconded the motion to close the public hearing. Motion passed unanimously.

The public hearing closed at 7:41 p.m.

Member Markoff moved and Alt. Member Bush seconded the motion to appoint the Planning Board as lead agency, this is an unlisted action, a negative declaration in the SEQR process and grant preliminary and final plat approval and over-rule County Planning on the engineering study as no building lots are proposed at this time with the following conditions:

- 1) **Lot 4 be deeded into the Praetorius property.**
- 2) **The D.O.T. comments in their May 11th letter be added as a note on the map.**

- 3) **In doing this, they are over-ruling County Planning for the reason that the applicant has agreed not to make any of the lots separate building lots at this time.**

Motion passed unanimously.

CASE # 338 Public Hearing for appeal of Herbert Naumann for a 2-lot subdivision of his property located on the west side of Cook Farm Rd. approximately 1,800' from the Cook Farm Road and Jamesville-Apulia Road intersection in an Agricultural/Residential District.

Herbert Naumann submitted a revised map dated 4/21/04 and prepared by D.W. Hannig. He said they are proposing to split the 30 acre parcel into two pieces so he can give his daughter a building lot.

Chairman Nakas said County Planning had one comment. "The Onondaga County Dept. of Transportation has determined that the frontage on proposed Lot 2 had adequate sight distance for a road, while proposed Lot 1 has adequate sight distance for a driveway only." He confirmed that at this time, the applicant is not looking for a road.

Herbert Naumann said that is correct.

Chairman Nakas asked for any questions or comments. There were none.

Member's Markoff moved and Lasky seconded the motion to close the public hearing. Motion passed unanimously.

The public hearing closed at 7:45 p.m.

Member Markoff moved and Alt. Member Bush seconded the motion to appoint this Planning Board as lead agency, this is an unlisted action, a negative declaration in the SEQR process and to grant preliminary and final plat approval with no real conditions from County Planning or this Planning Board at this time. Motion passed unanimously.

CASE # - Public Hearing continued for appeal of Jeffrey Cohen for a 21-lot subdivision of his property located at 4065 Route 91 approximately 1 ¼ mile south of the Route 91 and Route 173 intersection on the west side of Route 91 in an Agricultural/Residential District.

Ed Keplinger submitted a letter dated May 17, 2004, which is a project update. He submitted a revised map dated May 18, 2004 prepared by Keplinger, Freeman and Associates which shows the wetlands.

Joseph Jerry was present on behalf of Jeffrey Cohen who is the owner of the property. He asked Ed Keplinger to tell everyone about his firms experience.

Ed Keplinger introduced himself and said as a firm they have been around about 12 years. They have been preparing subdivision plans for the last couple of years with plans in various towns.

Joseph Jerry asked him to give his educational background.

Ed Keplinger said he is a 1988 graduate of the Environmental College of Forestry. He gave the rest of his educational background and qualifications.

Joseph Jerry asked him to explain the proposal.

Ed Keplinger discussed the changes to the new site plan. They have changed the cul-de-sac. They have revised the street and road layout based on comments from the public and the D.O.T. The intersection has been moved down Route 91. They have received a letter from Mr. Albert Vetter of the NYS D.O.T. which confirms the proposed location is O.K. The current layout does away with one of the dead end cul-de-sacs. The new cul-de-sac complies with the Town of LaFayette regulations and no waiver is needed. He discussed the access to NYS Route 91. There is no longer any access to Route 91 from the individual roads. All the lots have access to the subdivision street. The lot count has been changed from 21 lots to 20 lots. Each lot complies with the zoning requirements for lot area, setbacks, maximum coverage and road frontage as outlined by the Town of LaFayette Subdivision Regulations.

John Langey asked him to address the letter from the County Health Dept. where it discusses the dense clay soils, disposal systems, etc. Have they sketched in the disposal systems they will be using on the heavier clay area?

Ed Keplinger said they have tentatively located their leach fields outside of these areas.

He advised they have received documentation from John Eallonardo of Onondaga County Parks that states that Onondaga County Parks have no short or long term interest in developing the park-owned land south of the subdivision.

He advised they have met in the field with Mike Fishman of Stearns and Wheeler, Engineers. Mr. Fishman is a local expert knowledgeable in the life-cycle and habitat of the Indiana Bat. According to Mr. Fishman, the Indiana Bat overwinters in the caves of the Jamesville Quarry. In the late spring, the Indiana Bats leave the cave and spread across the countryside to mate and raise their offspring. This period occurs between mid-May and mid-August. The Indiana Bat typically roosts in the loose bark of dead trees or in tree cavities. He has downloaded information from the internet site of the DEC. He thinks the areas that they found most important are where it says the following:

- 1) In New York, approximately 13,000 Indiana bats are known to exist in 8 of the 120 sites searched to date. Surveys conducted since the early 1980's suggest they are doing fine in this state and may in fact be increasing.
- 2) The most serious problem for hibernating bats is believed to be disturbance by people exploring caves.
- 3) Since the most vulnerable period in the life-cycle of the Indiana Bat is during winter hibernation, management efforts are concentrated on protecting the hibernacula.

The proposed site does not have the caves that the Indiana Bats would winter in. Those caves are located in the Jamesville Quarry.

Ed Keplinger said they are in receipt of the NYSDEC SEQRA response from Mr. John H. Feltman. As noted in his letter, mapped wetlands exist along a portion of the eastern shoreline of Jamesville Reservoir adjacent to this site. He has noted them on the recent set of site plans. This project will not disturb these wetland areas and will stay well away from the 100' wetland buffer line. If any future construction on individual lots is to occur within the 100' wetland buffer line, necessary permits will be obtained as required by the individual builder or owner. The mitigation of disturbance, as well as any

increase in storm water runoff caused by construction activities pursuant to this project will comply with the NYSDEC New York Standards and Specifications for Erosion and Sediment Control, latest edition, including obtaining the required State pollutant Discharge Elimination System Permit and approval from NYSDOT of any required mitigation plan.

Ed Keplinger presented a map showing the sediment deposits. He said there are actually two district watersheds on their site. One is 32.4 acres and the other one which drains into the east lagoon is 4.2 acres in size. This watershed is essentially just the back ends of the proposed development along the road. As far as runoff goes, there is not a large increase and may be a net decrease. He showed the flow arrows on the map. This area will be improved because of their construction and due to the fact that they will have to develop a control erosion and control plan. The drainage will enter the lake in a more open area of the reservoir and not in the lagoon area. There's about 250 – 300 feet between where this outlets to the lake and the wetland area. The drainage area of their watershed is roughly 200-250 feet across. He advised the sediment and water quality problems that exist in the east lagoon appear to be caused by long term sedimentation from Butternut Creek. It is a known condition and studies have been proposed for quite awhile. These conditions have existed for some time as documented by Mr. Brower in his April 20, 2004 letter. They believe that the problems associated with the south end of Jamesville Reservoir need to be addressed on a regional basis. Any costly solution should be dealt with on a regional level, not a project by project basis. The Jamesville Reservoir watershed is over 32 square miles in area. That is over 20,000 acres. A majority of that area drains into Butternut Creek, which enters the lake adjacent to the proposed site. By comparison, this project site area is 38 acres and the entire watershed of the drainageway that flows through this site is roughly 250 acres. That is roughly 1% of the area of the entire Jamesville Reservoir watershed.

Joseph Jerry asked Ed Keplinger to explain how Butternut Creek contributes to that and why there has been land buildup there.

Ed Keplinger said the main reason for sedimentation to this area is because of stream sedimentation and the tributary all over the valley edge. There are thousands of acres of agriculture upstream of this. They believe the problem associated with the south end of the reservoir should be dealt with on a regional basis.

Ed Keplinger said as stated at the last meeting, Chief Poirier has limited concerns with the ability of his fire-department to combat an emergency situation within the subdivision and that the change in plans will further mitigate any concern. He advised Tom Byrnes, a Certified Professional Geologist with EMS Environmental, Inc., has prepared a preliminary water supply evaluation that substantiates the adequacy of the groundwater supplies for this development at the Jamesville Grove site. Further studies can be done to verify these conditions. He submitted this report dated May 10, 2004, to the Board.

Member Markoff asked if he did a study on the impact to the neighbors wells.

Ed Keplinger said he has used existing Onondaga County maps showing the existing geological mapping of the area.

Member Markoff asked how many spots he tested at.

Ed Keplinger said he didn't test but reviewed the geological information. He said based on existing map information, there should be adequate supplies.

Joseph Jerry asked him to read the conclusion and recommendation of the study.

Ed Keplinger read the following:

“It appears, based on the study, that the water bearing units beneath the site should be capable of providing adequate water supplies for this development. Some additional study could be performed to verify these conclusions:

- There is an existing water supply well on the property. Construction information for this well was not available, but it appears to be a drilled well. This well could be test pumped to determine yield and, if available, wells on adjacent properties could be checked for influence. However, based on the initial site inspection, adjacent property wells are too far away to be expected to show any influence from pumping on this well.
- To check the ability of the site to support development at the proposed density, an additional well could be drilled on a lot next to one with the existing well. A geologist would be present for drilling of this well to record the type and thickness of unconsolidated deposits and generate an accurate log of bedrock deposits. Then, a pumping test could be performed on the new well and the existing well checked for influence during pumping. This radius of influence data could then be extrapolated over the full planned development...”

Chairman Nakas asked for any other questions or comments.

Tim Brayman said Ed Keplinger stated there are two watersheds on the property. He thinks common sense would rule that realistically we're talking about one watershed where the end of it is the reservoir.

Ed Keplinger said they will address any additional runoff via the compliance with the SPDES. They will address any increase in runoff and comply with DEC regulations.

Tim Brayman asked if the fire chief is able to make a determination regarding fire protection for this development or would it be determined by the fire commissioners?

Chairman Nakas said the chief for the fire department is the only response this Board has.

Tim Brayman said there's a Board of Commissioners.

Chairman Nakas said whether it's a commission, committee or the chief, he isn't sure. Mr. Poirier, the chief, was here last meeting and felt they could always get an emergency vehicle or fire truck to come to these locations.

Tim Brayman asked if they would be comfortable with his opinion.

Chairman Nakas asked what his suggestion is.

Tim Brayman said he is not a fire chief. He asked someone from the fire commission about this.

Peter Paul said he can't answer this. Technically he doesn't know. If the chief made this statement, he is looking at it from an emergency standpoint and not a legal aspect.

Robert Germain introduced himself as an attorney who has been hired by a group of homeowners around the reservoir. He notes Joseph Jerry did a fine job of qualifying Ed Keplinger for this job. How many of the subdivisions Mr. Keplinger has done are located right next to a body of water?

Ed Keplinger said they are doing one right next to the Seneca River right now. They worked on one in Cazenovia which is adjacent to wetlands.

Robert Germain asked if it was on the lake.

Ed Keplinger said no.

Robert Germain asked if he is a wildlife expert.

Ed Keplinger said no.

Robert Germain said the information supplied is from the internet.

Ed Keplinger said he also met with a DEC representative.

Robert Germain asked again if he is a wildlife expert.

Ed Keplinger said the information obtained came from other people.

Robert Germain asked if he is in compliance with the stormwater runoff regulations.

Ed Keplinger showed him on the map where the basins would be.

Robert Germain asked how deep the basins would be.

Ed Keplinger said they are in the preliminary stage now.

Robert Germain asked if he has plans for two retention basins.

Ed Keplinger said they are going to be working on this with the town engineer to be sure they do what they are required to do.

Robert Germain asked him to explain what a retention basin would look like.

Ed Keplinger said it's a cement basin where water is either retained or detained.

The detention basin could be of a various size or shape. The depth would be determined by the area we have to work with.

Robert Germain asked about how deep such a pond would have to be.

Ed Keplinger said they may choose to have several small basins around the site or one large basin. This will be determined as they finalize the project.

Robert Germain asked if they did one basin, how big would it have to be.

Ed Keplinger said they haven't determined this yet. They will be addressing the entire watershed before determining the stormwater drainage.

Robert Germain asked if it would be fair to say there are a lot of variables with this.

Ed Keplinger said there are, but there are also guidelines set by the DEC that if followed, should have very little variables.

Robert Germain asked if it was fair to say you may have a large pond.

Ed Keplinger said you can't say that.

Robert Germain asked if it would be 6' deep.

Ed Keplinger said they haven't decided this yet. It could be 3' deep or 6' deep.

Robert Germain said this would be near some backyards.

Ed Keplinger said there will be some backyards around it.

Frank Nelson asked when Ed Keplinger mentioned the gentleman who did the study on the water, what were the dates on the maps he used?

Ed Keplinger said one was a groundwater report of the Eastern Oswego River Basin in 1970 and the other was from the same resource dated 1970.

Frank Nelson feels there have been a lot of changes over the 30 + years and that anybody who does a study these days should use updated maps.

Chairman Nakas said that is true but geological formations will not change much in 30 years.

Frank Nelson said the wells, drainage, etc. do.

Chairman Nakas said those aren't the maps he referred to.

Frank Nelson said when the Corps of Engineers drop the water level at the reservoir, they don't have water in their wells. There is a water problem.

Ed Keplinger said they have been asked by Onondaga County Planning to address the water.

Chairman Nakas advised he would be more comfortable if the applicant would drill a test well next to the existing well and pump the existing well hard to determine the amount of draw-down on the test well. He would be happier with that than with a geological type of analysis.

Ed Keplinger said sure.

Mark Fulmer said the whole northern part of the subdivision will be drawing water over that area. The houses to the west of it will definitely be affected. Why not drill a well at the northern end and do a study there?

Chairman Nakas asked how far the nearest residential property is from the Grove.

Mark Fulmer said there would be 6-7 lots that would be drawing water which would have an affect on everyone downstream. The impact would be on 8-10 homes.

Chairman Nakas calculated these 20 homes would use about 7,000 gallons of water a day. Each household on average would use about 300 gallons a day.

Mark Fulmer said he is just talking about the 6 lots to the north. He knows where the water goes through. Where the existing well is and where they are proposing to drill the test well, it won't have an affect. If you put it up to the north where the 6 lots will be, it will have an affect.

Ed Keplinger said one of the recommendations from SOCPA was to review the well water situation on every lot. That is one of the major items for final plat plan approval.

David Fulmer said if you drill a test well next to the existing well, it won't show the true problem.

Joseph Jerry said they are only looking for preliminary subdivision approval at this stage. The Onondaga County Planning Board has made a recommendation in favor of this subdivision and they have asked that there be compliance with 3 conditions. The conditions are regarding well water, septic and drainage. In all instances they have to have further engineering review. The County Health Dept. has to make a determination with each septic and well on each lot and any possible damage that could be done to any surrounding areas. At this stage, they have done an extra study by having the hydrologist come in and do a study. By virtue of what they are doing, they don't want to spend all this money and enter into contracts with individuals unless they are sure they will be in compliance with the regulations. If there is a determination that they can't drill wells on 1, 2 or 3 lots due to being detrimental to neighboring properties, they will not be able to drill the wells. They will have to mitigate for any additional runoff which is what the regulations relate to. They have to comply with the DEC regulations.

Edward Michalenko said Mr. Webb came in and changed his plans and was sent back. These guys aren't ready to build. They need a lot more studies done.

Chairman Nakas said when Mr. Webb came in he had a relatively easy 2-lot plan with none of these controversial items.

Edward Michalenko said if they want to build a 20-lot subdivision, they should come in with the appropriate studies.

Chairman Nakas said when they are told what to do, they will come forward with it.

Mike Seemann said he can speak from experience about watersheds. He has about 150 acres in a watershed. A 200 acres + watershed is huge in terms of this watershed. Their little holding ponds are overflowing.

Ed Keplinger said they don't have to address upstream regarding water retention. They have to address their pre-development site as opposed to post-development.

Jim Brower advised he is a retired geology professor at S.U.. He thinks much of the reason he perceives there could be some hazard here is that the area of water which represents about 1/3 of the water in the reservoir, is that the 1/3 area of water is acting as an isolated area of water with little or no circulation. When there are no water weeds in there, you only get decent circulation when you get a northern wind. The only circulation comes from the north. It's a restricted body of water. It's sensitive and very easily damaged. He is asking for appropriate environmental monitoring to be done to ensure it won't harm the lagoon as he stated in the two letters he wrote. That's all they are asking for.

Ann Chase said it's her understanding a long SEQR should be done.

Chairman Nakas said this is in process.

Ann Chase asked about how long that takes.

Chairman Nakas said a long time.

John Langey said they have already done a long EAF form that this Board will review tonight. The Environmental Assessment Impact Statement may be done at a later time.

Robert Germain believes the Board has not responded to the letter he wrote regarding being in compliance with the SEQR. He believes it has been determined it's a Type I Action. There are certain problems associated with the drainage issues and runoff associated with this project. The residents and he feel a full draft environmental impact statement should be done. Part of the scoping for that would be the drainage and runoff, the Indiana Bats, well water, 20 septic systems and impact on the reservoir. He also represents the reservoir itself. He grew up waterskiing out there.

Member Markoff asked if he lived there.

Robert Germain said no but he kept his boat there and waterskied there. He believes the Board should ask for a full SEQR investigation and hold a SEQR hearing. This should be a prerequisite before going forward with this proposal. They hope this is the case.

Joseph Jerry stated in that regard there is a real propensity on the part of people to be concerned about the water and how this might adversely affect it. They have gone out of their way to determine what impacts there will be on their own property as well as determining from their experts whether or not there is a substantial adverse affect on the environment. In that regard there are state environmental quality review actions that state a substantial reason must be given to substantiate and warrant a full environmental review.

Barbara Reuter introduced herself. She is an Environmental Collaborative.

Mark Fulmer asked Joseph Jerry if he had a well.

Chairman Nakas said right now there is someone here to speak on this issue. He will allow more questions later.

Barbara Reuter said she has a Botany Degree. She reviewed her education. She has worked on wetland mitigation for the past 17 years. She has done work on both wetlands and vegetation of wildlife throughout the northeast and in Puerto Rico. She was asked to deal with the wetlands issue. It will be pretty brief as she doesn't see any significant issues to deal with. The delta has extended over time because of sediment over the past 60 years. There is a huge watershed we are dealing with here that over the past 60 years with all the farming that has gone on has made it so Butternut Creek carries the sediment and pollutants into the reservoir. This will continue whether this project goes on or not. Anybody putting fertilizer or chemicals on their lawns will contribute to the problems seen in the reservoir. You can't point to a particular source to say here is where the pollutant comes from. Agricultural land is subject to erosion. She thinks the real problem is what's happening throughout the entire watershed and not just this area which is what she believes contributes to the degradation of the reservoir. She is not saying that there shouldn't be studies done on this project. Ed Keplinger and Joseph Jerry addressed studies which need to be done. Because of the SEQR process, they are in the preliminary stages. They will have to do studies on stormwater runoff. There will be studies done on this project or it's not going anywhere. The big question is what's going on through the entire watershed. Even if this project dies here tonight, you will continue to see the deterioration of the reservoir.

Joseph Jerry asked her to speak regarding the percentage.

Barbara Reuter said we know we are dealing with a 35 square mile watershed. Each watershed can be broken down into smaller and smaller watersheds. We are dealing with a 200-250 acre watershed. The topography dictates where a watershed is. What they are proposing that drains directly into the DEC wetland is 4.2 acres. We are talking a very small percentage that actually will be draining into the wetland. Because of the strict DEC regulations, all of this will have to be monitored. There could be restrictive covenants where property owners can't use fertilizer, etc. There are ways to get around having any kind of nutrient at all going into the wetlands.

Robert Germain asked who would be responsible for monitoring these regulations.

Barbara Reuter believes a home owners association would have to do the monitoring.

Chairman Nakas believes there are regulations stating you can't have any construction within 100' of wetlands.

Barbara Reuter said you can get permits from the DEC to do it.

Chairman Nakas asked if this project would have any development within the 100' area.

Ed Keplinger said there is one lot. The owner could file for a permit from the DEC for this lot.

Tim Brayman asked if she would say right now there is no fertilizing being put onto the 32.44 acre parcel.

Barbara Reuter said she doesn't know what is going on there right now.

Tim Brayman said it's foreseeable in the future there could be with 20 lots.

Joseph Jerry asked if she didn't just say that only 4 lots drained into the wetland directly.

Barbara Reuter said there is drainage from the other 16 lots which will go into the lake after it goes through a storm system and into a water quality basin.

Chairman Nakas asked Ed Keplinger to define the water quality basin.

Ed Keplinger said there's a basin which is primarily designed to treat surface runoff from roads, roofs, yards, etc.

Chairman Nakas said it's kind of a holding tank.

Ed Keplinger said it would hold the water and it would either evaporate, percolate or infiltrate. The basin is not meant to have continuous levels of water in it.

Tim Brayman said the sediment left in the basin will eventually be toxic at some point.

Ann Chase asked how far up Butternut Creek he went to study the area. He made a statement that the water running down and out is from agricultural land. There are two working farms there now. The water coming down the creek into the reservoir is not polluted at this point.

Ed Keplinger said this watershed extends all the way to Pompey and Apulia. There are plenty of working farms in that area.

Chairman Nakas asked if there were only two working farms from the Grove to Apulia.

Ann Chase will try to get a copy of the report the Army Corps did stating this.

David Broda said there's a separate body of water which happens to be part of the greater Jamesville Reservoir. His property is directly across from the north point of the delta. He would argue that the lagoon is everything further north.

Barbara Reuter advised the air photo is dated 2003 but the mapping was done in the 1990's.

David Broda advised this whole bay area is being incorporated more into the lagoon. As this delta creeps further and further out into the lake, this area will be included into whatever harmful runoff they get from the project runoff. This bay area has been showing signs of filling in. He doesn't believe the line on the map is accurate. In fact, he believes the drainage from the main part of the subdivision will impact on the rest of the reservoir.

Ed Keplinger said when they install their storm drainage system and detention facilities, they will not reduce the quality of water.

David Broda said you are probably going to trap whatever comes from the large side in the drainage pond you have. There are a lot of issues that need to be resolved and due to that the full DEIS should be done.

Barbara Reuter said that building 20 homes that are engineered to the DEC regulations are not going to be as big a problem as compared to the problems of the large watershed. The DEC has redone their standards for stormwater runoff and based on their standards there will be no contribution by this project.

David Broda asked who will monitor it.

Barbara Reuter said the DEC must grant the permit.

David Broda asked who would be there 20 years from now.

Barbara Reuter said no one monitors the existing septic systems there now to be sure they are working O.K.

Kate Cahill said back in the 80's when they drained the reservoir to do work on the dam, everyone had to do work on their septic systems. That map is not anywhere near correct.

Ed Keplinger said this picture came off the NYS website.

David Broda said he believes the picture doesn't show what's below the water level.

Ed Keplinger said that is significant to the Butternut Creek drainage area.

David Broda said with respect to the comments about the delta, what we are really addressing with this picture is what this development will do to the reservoir now. All they are asking is that this be evaluated in terms of hazard.

Ed Keplinger said this project has been evaluated by the DEC.

David Broda said there have been no measures of water circulation done.

Chairman Nakas said this is not the study of an Ecosystem here. They will have requirements they must meet. He asked for any other questions.

Roger Praetorius asked if the narrow strip going from the road to the water on the site plan had been labeled yet. Are the rear properties going to have access to the water through this?

Ed Keplinger said it's not a boat launch. It's land they will be providing for the upland parcels to access the lake.

Roger Praetorius believes that should be labeled.

Joseph Jerry said they advised last time it was intended for that parcel to be given to allow the other property owners access to the water. There is no boat launch. Someone within the subdivision could carry a kayak down to the water through this strip of land.

Mark Fulmer asked if the access is off a public road.

Ed Keplinger said yes.

Mark Fulmer said the
n anyone can cut through it.

Chairman Nakas believes it would be a lot like having a house which has a front on the road and a back on the water. No one would be real happy about someone coming across their land to get to the water.

David Fulmer asked who's going to say no. It's a public road.

Chairman Nakas said all you can do is put up a sign saying 'No Trespassing'.

Tim Brayman asked who's responsibility is it to maintain the retention ponds 20 years down the road.

Ed Keplinger said the drainage facilities would be designed to meet the town requirements.

Tim Brayman asked if the town would have to clean these out and maintain them.

Ed Keplinger said yes.

Tim Brayman asked the legal definition of a cul-de-sac.

Chairman Nakas said he has never looked at the legal definition. He likes this newer design because almost every lot has two ways to get to it because of the loop.

Ed Keplinger said the DOT who has control over access to Route 91, has told them they can only access it at one point. They had to work with what they were directed to do.

Tim Brayman asked how far it is from Route 91 to Road B.

Ed Keplinger said approximately 442 feet.

David Broda asked if this was classified as a flood plain. Is there potential for flooding to occur in the drainage area that is shaded on the map and potential to probably flood over that road?

Ed Keplinger said there is always a potential to do anything.

Robert Germain presented the Board with a petition that the residents have signed. There is about 100 signatures on it. The residents are afraid of the impact. There are some basic questions. Although these people have laid out their plan tonight, it's their side. Will this 20-lot subdivision, 20 septic, 20 wells, drainage ponds, retention ponds have any negative affect on Jamesville Reservoir? There has been a lot of testimony about the sensitivity of that end of the water. He would like the town engineer to review the DEIS before this Board proceeds. Is there a potential negative environmental impact that could be created by this project on the reservoir? Before this project goes forward, this should be determined.

Joseph Jerry said the SEQR regulations refer to substantial evidence of adverse impact. There was no one individual who stood up and gave substantial evidence of an adverse impact. The only reason this is noted as a Type I matter is because it's located by a parkland. Purely from a practical matter, it should be an unlisted matter. They have addressed and brought qualified experts before this Board to address each and every issue. He introduced as Exhibit A the letter that Mr. Keplinger put together dated 5/17/04 along with the reduced subdivision map, the map with the overlay on it, the resolution dated 5/11/04 from Onondaga County Planning Board granting approval subject to the 3 conditions, the DOT letters dated 4/28/04 and 5/10/04, the letter from John Feltman of the DEC that says they have to address their concern regarding the Environmental Conservation Law which they are doing, the information relating to the Indiana Bats and a letter from Thomas R. Byrnes of EMS Environmental, Inc. relative to the groundwater study evaluation.

Chairman Nakas said this information will be available to the public.

Joseph Jerry would like everyone here to rest assured that they have not only done everything that is required by law at this stage by their application but they have done more than is required by law. He also wants everyone to know that they are just asking for preliminary subdivision approval. There has been no substantial adverse impact. They are asking for a negative declaration and for a preliminary subdivision approval. This allows them to spend the additional funds in regard to the entire drainage system, septic systems, wells, etc. This will allow the public to have all the information at their disposal. They have the County Health Department and town engineer to protect the resident's. They don't want to do anything detrimental to the resident's of this subdivision or the neighboring resident's. He believes there are positive aspects of this project. There will be no more concerts. Beautiful homes will enhance the property values. If they walk away from this development they have a reservoir that will continue to deteriorate. There are regulations in place that will see to it that things are done in the right manner.

Robert Germain will not rest assured tonight unless SEQR is complied with. A declaration under SEQR is whether or not the proposed project may or may not have a negative impact on the environment. The SEQR says there may be an impact and it's up to the applicant to prove there is none. With all due respect, he will not rest assured

based upon one side and one expert. He believes the Board should wait until they have a chance to review the information and make it available for the public before they do a SEQR determination.

Joseph Jerry said to be very frank, Mr. Germain's letter said he has been retained to oppose this subdivision, that is what is going on here. He takes great issue with a delaying tactic and someone attempting to impose something on them that should not be required. They have brought a court stenographer this evening as they have brought forward expert testimony which they would like on record. They are studying what is pertinent to this particular area.

Kate Cahill said as far as concern goes, there are 50-60 people in this room that are here because of that concern.

Mark Fulmer just wants a study that says the wells won't go dry when they build 20 houses upstream from him. He would like to be assured his well won't run dry.

Tim Brayman said all they are asking is that this thing be analyzed to be sure it won't be hazardous to the lagoon or have an impact on it. He has lived in the same house for 40 years. The area has changed. He doesn't believe anyone who lives in the area moved out to that area to look at \$350,000 houses. They are in his back yard. He doesn't want to see this. If they were up the street, he would still be opposed to it.

Robert Germain said there hasn't been enough evidence provided by the experts material here tonight. He doesn't believe one night is enough.

Michael Seemann said the proposal can't compete aesthetically with mother nature. He would rather look at vacant land than the proposed houses.

Paola Naselli would like to request that before this Board goes any further they go out and look at the location first hand.

Chairman Nakas thinks the majority of the Board has seen the property.

David Broda thinks there is a certain amount of common sense expertise that comes with living in a place for 20 + years and what you need are your eyes to tell you what's going on. He thinks there are a lot of experts in the house tonight. They might not have fancy labels at the ends of their names but they have pretty good ideas of what's going on.

Kyle LaTray said they are only asking that nothing damaging is being done to the reservoir.

Ann Chase asked if it would be helpful if she got the study that the Corp of Engineers did.

Chairman Nakas said he believes someone said the Town Supervisor had it and they could get it from him.

Tim Brayman asked if the Board approves the preliminary plat plan, does that allow the applicant to presell lots?

John Langey said no, not until the final plat map is filed. Anyone who purchases one before that is doing so at his own risk. Until final plat approval is granted, no lots can be transferred from ownership. If the Board is thinking of closing the public hearing, you normally have 62 days to make a decision. The SEQR process is still there. He asked Joseph Jerry if his client would be willing to waive the 62 day requirement.

Joseph Jerry said his client, Jeffrey Cohen, will waive the 62 day requirement so if the SEQR process takes longer, the default agreement will not take place.

Chairman Nakas said at the end of the remaining 5 applications, the Board will be doing the long EAF.

Robert Germain recommended leaving the public hearing open.

Chairman Nakas is comfortable with closing it. He believes the Board has heard about everything there is to hear from the applicant, the public and all the letters that have been written.

Robert Germain asked if the Board would be making a SEQR determination tonight.

Chairman Nakas didn't think so.

John Langey said the Board has the option of a positive or negative declaration. If they decide it's a positive declaration, there is the possibility of reopening a public hearing.

Robert Germain would like a copy of the information submitted under Exhibit A.

Member Markoff moved and Alt. Member Bush seconded the motion to close the public hearing. Motion passed unanimously.

The public hearing closed at 9:27 p.m.

Chairman Nakas thanked everyone for coming and for their input.

The Board took a short recess.

CASE # 326 - Sketch Plan Conference continued for appeal of N.Y. LaFayette Limited Part. For a two-lot subdivision of their property located at 2829 Route 11 approximately ½ mile south of the Commune Road and Route 11 intersection in a Residential/Multi-Family District.

No one was present. No action was taken.

CASE # 329 - Sketch Plan Conference continued for appeal of Nancy Mentz for a 2-lot subdivision of her property located at 3740 Eager Road approximately ½ mile south of the Coye Rd. and Eager Rd. intersection in an Agricultural/Residential District.

Thomas Sheedy was present to represent the applicant. A map prepared by R. J. Lighton and dated 5/7/04 was submitted. All the details required had been added.

Chairman Nakas asked if the property had been transferred yet.

Thomas Sheedy said no.

John Langey asked if this piece of land would be deeded into his property.

Thomas Sheedy said yes.

This will be scheduled for a public hearing at next month's meeting and referred to County Planning.

CASE #337 - Sketch Plan Conference for appeal of John and Sandy Kinsella for a 2-lot subdivision of their property located at 6230 Smokey Hollow Rd. approximately 1 mile east

**of the Barker Hill Rd. and Smokey Hollow Rd.
intersection in a Residential/Multi-Family District.**

Their attorney called to advise they are not ready to proceed at this time but wish to be on the agenda for next month's meeting.

CASE # 339 - Sketch Plan Conference for appeal of Christine Keenan for a 3-lot subdivision of her property located at 3565 Eager Rd. approximately 1.3 miles south of the Coye Rd. and Eager Rd. intersection in an Agricultural/Residential District.

Christine Keenan was present to explain her proposal. She submitted a map dated 4/21/04 and prepared by Cottrell Land Surveyors. She is proposing to sell the 66 acres. She is proposing to keep the smaller lot herself and to sell the 2.07 lot to Mr. Masias. She is not asking for building lot approvals.

Chairman Nakas said one thing County Planning keeps coming back with is a parcel this large requires a build-out plan. Since there's no desire at this time for building permits, he doesn't know why it would be needed.

Christine Keenan said she is just selling this parcel and it would be up to the new owner if he chooses to do anything with it.

Chairman Nakas asked who the surveyor is.

Christine Keenan said Cottrell.

This will be referred to County Planning and scheduled for a public hearing at next month's meeting

CASE # 340 - Appeal of Steve & Catherine Morezak for a 2-lot subdivision of their property located on Berry Rd. approximately 1.8 miles south of the Route 20 and Berry Rd. intersection in an Agricultural/Residential District.

Robert Carter submitted a map dated 5/4/04 prepared by Christopherson Land Surveyors.

Catherine Morezak said the property is located off of Morezak Road.

Steven Morezak said years ago the Town had a gravel bed back there and he let them use the road to get to it.

Chairman Nakas asked if this is a dirt road.

Catherine Morezak said yes.

Chairman Nakas said he received a letter from a neighboring property owner, Peter Zangari. He feels some of the questions in the letter aren't pertinent. He asked what the applicant plans to use the property for.

Robert Carter said he plans to build one house in the middle of the lot.

Chairman Nakas noted the property is zoned Agricultural/Residential. He asked about the driveway.

Robert Carter showed the Board on the map where it would be located. He

showed them the right-of-way.

Chairman Nakas noted the driveway will be cut in right where the dirt road meets Berry Road.

Chairman Nakas asked about the easement.

Steven Morezak said it is for them to get to their back property.

John Langey asked where the access to Lot # 2 is.

Robert Carter said the dirt road goes to it.

Chairman Nakas asked if this being such a large piece, should topographic lines be shown?

Robert Carter submitted a topographical map.

Chairman Nakas believes this is a better map to submit to the County.

It was noted this is a town road.

John Langey said by granting the subdivision it doesn't mean the road has to be paved. That would be up to the Highway Superintendent. This will have to go to County Planning as it's within 500' of a county road.

This will be scheduled for a public hearing next month and it will be referred to the County.

Robert Carter asked if he can do any site work prior to the approval. He was advised to check with the Code Enforcement Officer/Building Inspector about this.

Chairman Nakas asked if he would be operating his business from this site.

Robert Carter said no. The only time he might have any of his equipment there is to wash it or change the oil.

The Board returned to the Cohen application to do the review of the full assessment form.

John Langey read the purpose of the review. He said the Board must give the application a hard look. They can ask questions and take all the information they have received from the public, applicant, etc. to make a reasonable determination. Whatever the Board's decision is, before they vote on it, they must give the reasons they feel this is a negative declaration. The same is true with a positive declaration. They must tell him why a positive declaration was made and requires a DEIS.

The following comments were made in reviewing the SEQR.

SECTION A.

Page 3 # 3:

John Langey asked if the Board considered the Dept. of Health comments.

Ed Keplinger said there are probably 2 to 3 acres that are poorly drained.

Chairman Nakas asked if there is any clay.

Ed Keplinger said there is clay in the ballfield area.

Page 3 # 9:

John Dunkle said ground water tables could be considered one. An aquifer is generally considered an underground lake. At this point it's not known.

Chairman Nakas said it's not known as a true aquifer.

Ed Keplinger said the expert geologist said the underlying limestone creates aquifers in the area but this is an unknown.

John Dunkle said this part of the application is just trying to gather information.

Page 4 # 11:

It was noted letters were sent to fish and wildlife to get verifications.

Page 4 # 13:

John Dunkle said it would be considered open space to the surrounding neighbors.

SECTION B:

Page 5 # 1:

John Dunkle said between the peak hours of 7-9 a.m. and 4-6 p.m. an average home will generate 1 car per hour. This doesn't mean it can't be 2 vehicles.

Page 5 # 2:

Chairman Nakas asked if no material will be removed from the site, what happens to the soil removed when digging holes for the houses?

Ed Keplinger said it would be incorporated into the landscaping around the houses.

Page 6 # 7:

Jeffrey Cohen said he doesn't know if this will be addressed in phases or just addressed in one phase.

Page 6 # 14:

John Dunkle said the applicant is not proposing dredging of any portion of the reservoir or draining it.

Page 6 # 15:

It was decided the project would not be located in a 100 year floodplain.

Tim Brayman doesn't believe this.

Jeffrey Cohen said they can verify this.

Chairman Nakas asked if this site is on the DEC floodplain map.

John Dunkle said there is a flood plain in Jamesville Reservoir. It depends on how far it goes up the shoreline. He reviewed the floodplain map and believes this property is just outside the floodplain.

PART 2 OF SEQR

John Langey reviewed the directions for Part 2 of the SEQR.

Page 12 # 3:

Chairman Nakas said there's no protected waterbody within the site.

The Board agreed but noted it is near one.

Chairman Nakas believes there's only a couple of lots within the 100' buffer zone and for those they will need to get permits. The rest of the proposal he doesn't see having problems if all the proper precautions are taken.

Page 13 # 5:

Member Markoff said regarding the adverse impact on groundwater, you don't know what the impact might be. This is something he's concerned about the most.

Alt. Member Bush believes this is a big concern.

John Langey asked John Dunkle what he would recommend.

John Dunkle would recommend a test well be drilled on one of the northern lots as close to some of the closest properties as possible and do some testing on it.

John Langey asked Robert Germain to see if any of his clients would agree to a well draw-down study.

It was noted under other impacts that there could be underground oil and/or natural gas.

Chairman Nakas asked if the Board felt this would be a potentially large impact but with the proper mitigation it could be controlled.

Alt. Member Bush asked if the project is changing it.

John Dunkle said it has the potential to without the proper controls and mitigation.

Jeffrey Cohen asked if they wouldn't be improving the existing situation.

Robert Germain said a potential impact is a potential impact.

John Langey said listening to the discussion it sounds like the Board could check # 2 and asked if they felt it could be mitigated.

Member Lasky said it can but it's undetermined if it will.

Chairman Nakas recommended that it's a potentially large impact but can be mitigated by project change.

Robert Germain said you don't know if it can be mitigated.

John Dunkle said his professional opinion is that it can be mitigated.

Ed Keplinger said it will be mitigated by existing DEC regulations.

John Dunkle said this Board can make the SPDES process a part of this review.

John Langey said the Board could ask for this information now rather than waiting for it after things leave the Board's hands.

John Dunkle said they could be asked to prepare the documents they will be submitting to obtain a SPDES permit.

Ed Keplinger said this is talking about grading the final site. Is the Board essentially asking them to design the site to see how they will control the runoff? They need to analyze the whole site and understand how the grading will work on the site. They could probably put some sort of plan together.

Chairman Nakas asked if they would be willing to do this.

Joseph Jerry said they would do something reasonable. The reality is they are only looking for a preliminary approval. It's an unreasonable burden at this junction.

John Langey said sometimes you need to know things in your preliminary phases. With this particular application and what the Board has heard from the public, they may want the applicant to consider supplying some preliminary level of information. This is totally up to the Board.

John Dunkle said this is the point in the review process where this Board decides whether this is an appropriate use of the land and the impacts from it. This is the critical threshold.

Ed Keplinger said they could do an initial drainage study and outline different pollution measures they can put in place. They can outline the size of the culverts for the roads and other mitigation.

The Board would like this information

Page 14 # 8:

Chairman Nakas noted this is not where the Indiana Bats winter. There are no natural habitats on site for this endangered species.

Member Markoff said there was information supplied from the DEC on this.

Chairman Nakas doesn't believe this species will be any more threatened after this project than it is now.

John Dunkle believes the section dealing with pesticides and herbicides means is there intent to use these to alter the habitat of the endangered species.

Robert Germain asked if they received the information from fishing and wildlife.

Chairman Nakas doesn't feel he needs any further information on this.

Ed Keplinger said he spoke to someone from Stearns and Wheeler on site about this. He feels this is another stumbling block.

Page 16 # 11:

The Board agreed there are no houses there now and new ones will be there.

Ed Keplinger said the Board must compare this to the surrounding land.

Member Markoff said for some people who don't want houses there, it will have an impact on them.

Alt. Member Bush believes the impact is certainly large but can be mitigated.

Page 17 # 13:

John Dunkle said in his opinion it doesn't mean public ownership. It's the character of the land.

Joseph Jerry said it's not open space. There are buildings on it.

Page 17 # 14:

John Dunkle doesn't believe this is a designated critical environmental area.

Page 18 # 17:

Member Markoff believes once the houses are built, there won't be any objectionable odors, noise or vibration.

Chairman Nakas believes these would be temporary during construction.

Page 19 # 19:

Member Lasky asked what the population of the reservoir is.

Tim Brayman said there are 58 houses on the reservoir.

PART 3 OF SEQR:

The Board had a discussion about the full impact. There would be construction and building within or near a protected wetland so there is potentially a large impact they feel might be mitigated by a proposed change and by the applicant doing some sort of appropriate study.

The Board had the following areas of concern: Impact on water which includes building within or near a protected wetland and the applicant must follow Phase II DEC regulations which require that the water that flows out must be just as good as the water that flows in. The control of quality and quantity of the runoff. It was felt these impacts are important. The potential impact of surrounding wells could impact this quality and quantity of runoff.

Member Markoff would like someone to come out and do a study on this.

It was felt this impact is important.

Regarding the flow of patterns or surface water runoff, the applicant could supply preliminary stormwater management data.

The Board felt these issues were all important.

John Langey said the Board could do a positive declaration on this and do a very limited scoping. The record would not support scoping anything other than these areas. The record could support the idea of asking the applicant to do a study on wells. The

same thing goes for the preliminary drainage analysis and the impact on a wetland which is pretty close to the drainage issue.

John Dunkle said it would be more of evaluating the wetland.

John Langey asked John Dunkle if there would be information available to the Board that could help them make a decision.

John Dunkle said the drainage impact analysis should take care of both of these concerns.

Member Lasky said the drainage study will hopefully show there would be no drainage into the wetland. There should be no discharge into it at all.

John Langey thinks the Phase II regulations would not allow there to be any poor water quality going into the reservoir. The Board has brought this down to the issues of the wells and the stormwater management data.

Member Markoff asked if the determination of this as negative or positive could be made at the next meeting.

John Langey said once the Board gets started it won't take long.

Chairman Nakas recommended a positive declaration be made for the long form EAF and the reason for this is the uncertainty of the quality and quantity of well water to the surrounding neighbors and because of that this Board requests the applicant to do a hydrological test on the north portion of the property where they will drill a well on a lot where they will want to drill one anyway so the well won't be wasted and a test study can be done.

John Langey said the basis for the Board requesting this is the letter from the Dept. of Health regarding their concern about the neighboring wells.

Chairman Nakas said yes as well as the concerns expressed by County Planning.

John Langey said also from the public concern exhibited by the resident's in the area.

Chairman Nakas asked the cost for this study.

Ed Keplinger said at least \$3,000 for the well.

John Langey asked what the cost to do the analysis would be as they would have to do the well anyway.

Ed Keplinger believes it will be at least \$2,000.

John Dunkle said if the Board is going to cross this threshold and make this a positive declaration, he would recommend placing the drainage issues into it.

Member Markoff moved and Chairman Nakas seconded the motion that this is a positive declaration based upon the potential impacts on quality and quantity on well supply and drainage runoff on site. The motion passed unanimously.

Member Markoff moved and Chairman Nakas seconded the motion to turn the meeting into a draft scoping session. Motion passed unanimously.

Robert Germain said they would agree to participate in a well study.

It was decided a pump-down test with engineering reports of the results and the applicant working with some identified neighbors to see the impact on the quality and quantity of water was needed.

John Dunkle said he will work with them on this.

The second issue identified is the scope of the drainage.

John Dunkle would recommend seeing the water quality computations and the proposed method for mitigation. He would like to see the volumes. If the proposed method of quality treatment is going to be a pond, the Board should know this.

Ed Keplinger said it could be 1 or 3 to 4 facilities depending how the site grades out.

John Dunkle said the Board would like some general location of where it or they would be. He would like the standard computations for runoff using a TR55.

Ed Keplinger asked if the Board wants them to study the whole watershed.

John Dunkle said water from the entire site will be running through here so he believes it should all be considered. The Board is asking them to complete an EIS statement.

John Langey said he must notify the named involved agencies about this. At the end of this process, the Board might be able to make a determination.

John Dunkle said at the end of this process when the Board accepts the documents submitted by the applicant, it doesn't mean they accept the subdivision.

Alt. Member Bush moved and Member Lasky seconded the motion that the draft scoping document be accepted and prepared and sent out to everyone required to receive it by John Langey. Motion passed unanimously.

Joseph Jerry thanked the Board and commended them for their judicial action.

Member Lasky moved and Chairman Nakas seconded the motion to adjourn. Motion passed unanimously.

The Planning Board Meeting adjourned at 11:40 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary