

VILLAGE BOARD MEETING MINUTES

NOVEMBER 14, 2013

7:30 P.M.

PRESENT: Mayor Hubbard, Trustees Angelillo, Jones, Lanning and Sennett, Village Attorney Byrne, Codes Enforcement Officer (CEO) D'Amico, Police Chief Perkins, Village Historian Batlle

Others: Carrie Chantler Skaneateles JOURNAL
Joe Genco Skaneateles PRESS
Jason Slottje* 1946 West Lake Road
Dave Colegrove* 22 Fennell Street

Critical Impact Hearing – Mayor Hubbard welcomed everyone to the official meeting of the Village Board and said the first order of business is a critical impact hearing for a change of use of the ground floor space at 25 Jordan Street. Atty. Byrne gave us a summary of action and the Planning Board recommended granting the Critical Impact Approval. In response to Trustee Sennett, Jason Slottje said the outside will remain the same. With no other questions or comments from the Board, Mayor Hubbard opened the public hearing to the floor. Jorge Batlle asked if it will be an annex to the bakery. Mr. Slottje said, no, it will be a compliment to what the bakery is doing. The new space will have additional seating, but no intense cooking or frying. There will be some food prep with cappuccino, yogurt and the like available. Trustee Lanning asked if this will encompass all floors. Mr. Slottje said all but the hotel rooms and it will be handicap accessible. Trustee Sennett commented that it is exciting that there is interest in utilizing the space in another way. Mr. Slottje said the Paris Flea was there for 13 years; this use fits in with what the bakery has. Trustee Lanning asked if there will be a stove and venting. Mr. Slottje answered that it is not part of the proposal. Atty. Byrne confirmed for Trustee Sennett that more intense cooking couldn't be done without going back to Codes Enforcement. CEO D'Amico offered that this is a very minor re-development. So much so that when the Planning Board first looked at it, they couldn't see the need for critical impact. Mayor Hubbard noted that the Planning Board Minutes of November 7, 2013 recommend granting the critical impact. **Resolution #2013-168:** On the motion of Trustee Jones, seconded by Trustee Lanning, it was resolved and unanimously carried (5-0 in favor) to close the hearing at 7:39 p.m. Mayor Hubbard confirmed that the Board has a resolution with the seven specific required findings. **Resolution #2013-169:** On the motion of Trustee Jones, seconded by Trustee Lanning, it was resolved and unanimously carried (5-0 in favor) to grant Critical Impact approval for the change of use of the first floor space at 25 Jordan Street from retail sales to restaurant use as considered and recommended by the Planning Board on November 7, 2013. *Mr. Slottje thanked the Board and left the meeting.

(Insert Resolution)

Correspondence & Announcements - Mayor Hubbard reviewed the following:

- Sunrise Rotary Winterfest – Trustee Lanning noted that the Sunrise Rotary approaches the Village Board annually (as a courtesy) relative to the Winterfest that will operate the same as it did this year. Winterfest is on the last Friday and Saturday in January 2014 and the YMCA fun run will be on Sunday as part of the Winterfest weekend. Trustee Lanning said he will advise Dick Searing, the event's manager that he should talk to Chief Perkins about the run route if it is not staying in the park.
- Syracuse-Onondaga County Planning Agency email announcing that applications are now being accepted for 2014 free technical assistance workshops
- Cornell University Design Connect Community Outreach Coordinator's Invitation to partner with Design Connect on a project in our community – applications being accepted for spring 2014 until January 15, 2014
- NYS DOT letter of October 23, 2013 – CHIPS Reimbursement Request Due No Later than Nov. 13, 2013
- HomeServe Letter of October 31, 2013. Mayor Hubbard noted that the service offered by this company is not a function of the Village in any way; it is a private firm. Trustee Jones said the Village is not endorsing this and would appreciate the press mentioning it in the newspaper.

- United States Department of Commerce Suspension of the 2014 Boundary and Annexation Survey
- AT&T Application for Building-Zoning Permit – Construction of Generator Pad at Water Tower Complex. Mayor Hubbard noted that there was some discussion of natural gas. CEO D’Amico said he talked to an AT&T representative about fuel containment. DMO Lotkowitz said the generator there is propane; he doesn’t know if there is natural gas. Atty. Byrne asked what we’d prefer. DMO Lotkowitz said diesel would be fine. Gas would be better, but a line would have to be run. Vios has a line now so there is some precedent. Atty. Byrne asked DMO Lotkowitz to review the materials that CEO D’Amico forwarded. He said there are two issues; 1) suitability of design and 2) compensation. Atty. Byrne said he will look at the agreement and DMO Lotkowitz will look at the fuel. CEO D’Amico said an AT&T representative called today and said they are willing to deal.
- NYS DOT 2013 Local Highway Inventory – Deadline December 13, 2013. DMO Lotkowitz said the next road we will add is when Parkside is done. He said if the inventory goes up, the revenue increases so it is worth something.
- Receipt of Haylor, Freyer & Coon Generic Use of Facilities Agreement. Atty. Byrne explained that the facility agreement was prompted by the agreement with the Chamber of Commerce for use of the old Police Station/SAVES building for Dickens. It is like a lease, but much shorter. Atty. Byrne said he thought the agreement was great and sent the HF&C template (with a few modifications) to Executive Director Sue Dove. The Village Board will be asked to authorize the agreement at its November 26 meeting.
- Receipt of GFNB LOSP Statement of Value and Activity for October, 2013
- Receipt of Treasurer’s Reports for October, 2013
- Cornell Glee Club performing at the Methodist Church Fri., Nov. 15, 2013, \$15 tickets at the door. Turstee Jones said this is a fundraiser for the Glee Club - the group is spectacular and not to be missed.
- Onondaga County Mayors Assoc. Meeting Wed., Nov. 20, 2013 \$16/per person. Mayor Hubbard said he will attend and asked Clerk Couch to RSVP.

Mayor Hubbard reported that the absentee ballots were counted today and it is official – Village Trustee Mary Sennett was elected as Town of Skaneateles Supervisor. The Village’s loss is the Town’s gain. He asked the press to mention that the Village will appoint someone to the vacated Trustee position and would welcome letters of interest from anyone willing to serve. Hopefully, we will make an appointment at the December 30, 2013 Village Board Meeting.

Police Department - Chief Perkins verified that the Board received the monthly statistical data for October that reported the following: 197 Calls for Service; 7 Misdemeanors; 24 V&T Tickets (total); 14 Courtesy V&T’s; 3 Truck Tickets; 161 Parking Tickets; 172 Courtesy Cards; 12 MV Accidents; 1 Pers. Injury, 22 Prop. Damages; 1 Larceny; 25 Assist Fire/SAVES; 5 Alarm Calls; 1302 Property Checks; and 4 Car Lockouts. Chief Perkins said there are some maintenance issues surfacing with the pay stations, but repairs are less expensive than replacing the machines that are being serviced by a couple of Police Officers trained on how to re-boot them. Trustee Jones said with the influx of visitors and holiday shoppers it is a good time of year to have them working. Chief Perkins said we know which parking meters need repair, so this winter we want to bag and work on them. The meters on the east side are the worse, but loss of revenue won’t be that much as winter is a low use time especially at those particular meters. Regular, early spring maintenance on the meters is important so we will plan on cleaning and touching them up with paint as soon as it looks like we won’t be using salt. Atty. Byrne recognized that protecting the meters avoids major expense. Chief Perkins also reported that Judge Mulroy visited the juvenile interview room and said it looks good and meets the standards, but does need the lock set changed. The security is being worked on.

Director of Municipal Operations – DMO Lotkowitz reported that the DPW has been working on picking up brush/leaves and will be doing so next week as well. They plowed the other night and have been helping the Light Department get ready to cut over electric to the Community Center (cut over date set for Dec. 14 or 15). In response to Mayor Hubbard, DMO Lotkowitz said they have been having email meetings relative to the Community Center electric – no other meeting is needed. DMO

Lotkowitz further advised that the Light/Water Dept. replaced the faulty by-pass valve.

Codes Enforcement – Mayor Hubbard read CEO D’Amico’s report covering the period from October 11 – November 14, 2013 as follows: 7 Building Permits Issued (54 YTD); 2 Sign Permit (YTD 9); 1 (YTD 7) Certificates of Occupancy Issued; 36 Total Inspections performed during the period, breakdown as follows: 4 Footing, 1 Insulation, 1 Fire Safety, 1 Framing, 1 Silt Fence, 2 Waterproofing, 2 Wall Form, and 24 Misc. site visits. CEO D’Amico also wrote, “Construction has been increasing in the Parkside subdivision. There are currently permits issued for 6 new homes being constructed by 3 different contractors in section 3.” CEO D’Amico wrote and said that he has been fielding many questions from the public in regard to “home occupations”. After review of the current zoning laws dealing with working from one’s home, he and Attorney Byrne feel that the Village Board should look into changing current zoning law section 225-22 to better reflect the current reality of many residents working out of their homes. Atty. Byrne said he will have a proposal for the next meeting to amend definitions of home occupations. Technology has changed what people do in their homes but have no impact on neighbors. Trustee Angelillo asked if other municipalities are taking the same position. Atty. Byrne said he doesn’t know, but ours is out of date and too restrictive.

WWTP – Trustee Angelillo gave the WWTP report for the month of October noting that the monthly inflow average was almost exactly as the 12-month rolling average, there was 6¼” precipitation, the plant met B.O.D. and suspended solids removal, 850,000 gallons of wastewater were stored and aerated in the ORF lagoon and drained to the treatment plant when flows subsided, and there were no violations. Trustee Angelillo commented that it is a good report. DMO Lotkowitz said the RBC’s were moving, but Henderson Brothers Construction made the repairs and everything is fine.

Village Historian – Village Historian Batlle said the display case is in the lobby; he painted the base and is working on the display that will be about fire stations of the Village. He is also working on getting more information on the oldest house in the Village which is located at 40 Onondaga Street. Historian Batlle read aloud a Historic Moment as follows: Sidewalk Snow Removal – The winter of 1844-45 was marked by heavy snowfalls. Munson Thorpe was the “overseer of highways”, usually called the “path master”. He had his hands full trying to keep the sidewalks passable. E.N. Leslie in his book “History of Skaneateles” speaks of efforts to procure legislation relative to cleaning the sidewalks of snow. The Act took effect in 1867. This was not the first time legislative action was attempted. Twenty-two years earlier around 1845, a plan had been put into action, again without legislative action. Who conceived the idea or how funds were provided for payment of the work – whether by voluntary contribution or by a draft on the Road Repair Fund, is unknown. But the fact remains that during the middle 40s, after a fall of snow of sufficient depth to impede foot traffic, the path master got busy in the early morning. With horse and snow plow a path would be cut along the sidewalks, perhaps three feet in width. The householders would supplement this with shoveling their walks. The plow was a “V” shaped contraption, sufficiently weighted on the rear end to guide it, and generally drawn by one horse. This plow-work materially aided the householders in cleaning their walks, although the snow was not fully removed until the spring thaw. Leslie speaks of 8½ miles of streets, which is equivalent to 17 miles of sidewalks. But at that time, there was probably about one-fourth of the amount of sidewalks cleaned. On East Genesee Street the walks were cleared on the north side from the old brick school house (on Onondaga Street) down through the Village and out a short distance to nearly opposite the old Methodist Church (Lutheran Church location). State Street, Jordan Street and Academy Street were attended to. The south side of Genesee Street was maintained from Legg’s carriage shop (Legg Hall) west to the Methodist Church.
From *Humphrey’s Diaries* p252

OLD BUSINESS

Status of NYS LGE Grant/Elevated Water Tower Painting Project – DMO Lotkowitz said we need to submit a final bill and the Town of Skaneateles needs to finish their work. Mayor Hubbard suggested a letter to the Town to inquire about the status of their work.

Status of new Village Hall Project – DMO Lotkowitz said we are working on the punch list and there will be a final walk-thru with Sack and QPK on Monday, November 18 at 8:00 a.m. The sidewalk on the north end is done and the vestibule is finished. Mayor Hubbard noted that the front doors are to be changed out as the ADA allowable is exceeded. The suppliers will change them out and make good on it. The project has come along. Trustee Jones asked if temporary stripes will be painted as otherwise parking will be a free-for-all during Dickens. DMO Lotkowitz said if it is warm enough the DPW can put some paint down. Mayor Hubbard said saw horses could delineate parking spaces too. Chief Perkins said there are definitely parking concerns during Dickens as passage for emergency vehicles must be maintained. In response to Historian Batlle, Mayor Hubbard said lobby electric outlets were discussed.

Status of NYSERDA Grant – DMO Lotkowitz said he working on getting a date for the inspection. Submissions for reimbursement will be mostly for PV Solar and general construction.

Status of Additional Bench Locations – Clerk/Treasurer Couch said we received permission from the City of Syracuse for installation of a bench in front of their gate house on W. Genesee Street and sent a reminder letter to the Seitz Building Associates as we are still waiting to hear back from them. In response to DMO Lotkowitz asking where the bench will go on the City of Syracuse property, Mayor Hubbard said he will look at the location.

Status of Creek Walk Maintenance Plan – DMO Lotkowitz said they do not yet have a plan. Mayor Hubbard said as part of the purview of the DPW, this item will remain on the agenda. In response to Trustee Lanning asking about the Parkside Homeowners Association, Atty. Byrne said the developer maintains control until the development is complete. Trustee Jones said we previously discussed this and maintenance is the Village's job, not the associations. Atty. Byrne confirmed that noting again that the creek walk was dedicated to the Village so it is our responsibility.

NEW BUSINESS

Authorize Mayor to Execute Nextel Lease Termination Agreement and General Release – Atty. Byrne noted that the agreement was circulated about ten days ago, but may have changed since with regard to the rent. The language that needs to be included states that Nextel will pay rent through the end of April, 2014. He confirmed that the agreement includes what is to be removed and what stays (i.e. structure). **Resolution #2013-170:** On the motion of Trustee Sennett, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to authorize Mayor Hubbard to execute the Nextel Lease Termination Agreement and General Release.

Approve Hiring Robert Pitman as a Part-time Police Officer at \$26.52/hr. – Chief Perkins said Robert Pitman is currently a Detective with the Onondaga County Sheriffs' Office and comes highly recommended. Chief Perkins said Mr. Pitman is a good guy and he recommends hiring him as a part-time officer. Chief Perkins said he does have one request and that is to check with him before doing your own background checks. He said while he respects the Board's right and desire to do their own check, oftentimes individuals are currently working and we don't want to jeopardize their employment in any way. Chief Perkins said there wasn't a problem this time, but asked the Board to first communicate with him in the future. Noting that Mr. Pitman works for the Sheriffs' Office, Trustee Lanning asked if there is any restrictions to the number of hours worked as there is for truck drivers. He also asked if Mr. Pitman is full time with the Sheriffs'. Chief Perkins said he is full time, and while there isn't any Restriction, he watches that closely. He explained that he needs Mr. Pitman soon because other part-timers are getting close to their maximum hours while they fill-in for those officers who are out. He said the Village's part-time hourly rate is higher than most, so we get good, qualified people. **Resolution #2013-171:** On the motion of Trustee Sennett, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to authorize hiring Robert Pitman of 4928 Route 80 West, Tully, NY 13159, as a part-time Police Officer at the current hourly rate of \$26.52.

Appoint Stephen Hartnett to the Planning Board – Mayor Hubbard said Stephen Hartnett returned a letter indicating that he'd be willing to move from the ZBA to serve on the Planning Board. **Resolution #2013-172:** On the motion of Trustee Lanning, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to appoint Stephen Hartnett to the Planning Board. In discussing the resolution, Mayor Hubbard noted that with this move, there are now two openings on the ZBA and this matter will be addressed at the November 26 meeting. Trustee Sennett said she will talk to Clerk/Treasurer Couch after the meeting about sending letters to confirm interest from two candidates for the ZBA.

Consider Adopting FSA Rollovers – Trustee Jones said she thinks this is a great idea as it will encourage more people to participate in Flexible Spending Account (FSA) plans. **Resolution #2013-173:** On the motion of Trustee Jones, seconded by Trustee Sennett, it was resolved and unanimously carried (5-0 in favor) to adopt FSA rollovers. In discussing the resolution, Trustee Angelillo asked Clerk/Treasurer Couch to provide Labor Atty. Colin Leonard with a copy of the bulletin and advise him that the Village adopted FSA rollovers giving participants the ability to rollover up to \$500 from an FSA to the immediately following plan year.

Consider Increasing Hourly Rate for CR Fletcher Employee – Clerk/Treasurer Couch noted that Debbie McCormac asked for consideration of an increase in her hourly rate. Since starting with us in July, 2012, her pay rate has been and is \$13/hour with a bill rate of \$18.85/hr. (as the CR Fletcher Associates customer, the Village pays a bill rate of 45% over the employee's hourly pay rate). **Resolution #2013-174:** On the motion of Trustee Angelillo, seconded by Trustee Sennett, it was resolved and unanimously carried (5-0 in favor) to authorize a 3% increase to \$13.39/hour and a bill rate of \$19.42/hour.

GHD General Services Contract Renewal – DMO Lotkowitz said the Village has had a contract with GHD Consulting Services, Inc. (f.k.a. Stearns & Wheler) for general services with no minimum or retainer since 1993 and this contract updates that. The contract is for services on a task order basis for miscellaneous engineering requests. Task Order No. 1 relates to general engineering and SCADA maintenance services with a not-to-exceed budget of \$5,000. Trustee Angelillo noted that this is for water and sewer professional engineering services so we don't need to get proposals. DMO Lotkowitz also confirmed that he requested GHD provide a proposal for dry hydrants. In response to Mayor Hubbard, DMO Lotkowitz said there are no annual licensing requirements or fees relative to SCADA or the UV Disinfection system. **Resolution #2013-175:** On the motion of Trustee Jones, seconded by Trustee Sennett, it was resolved and unanimously carried (5-0 in favor) to authorize Mayor Hubbard execution of the Agreement between the Village of Skaneateles and GHD Consulting Services Inc. for Services on a Task Order Basis and Task Order No. 1.

Authorize Excellus SimplyBlue+ Platinum 2 Health Insurance Plan for 2014 – Trustee Angelillo explained that the Village's existing Excellus Healthy Blue Insurance Plan will be discontinued. The Excellus SimplyBlue+ Platinum 2 is closest to the existing plan and has been chosen to replace the Healthy Blue - cost to the Village will be lower. **Resolution #2013-176:** On the motion of Trustee Jones, seconded by Trustee Angelillo, it was resolved and unanimously carried (5-0 in favor) to authorize the Excellus SimplyBlue+ Platinum 2 health insurance plan for 2014.

Insurance Settlement – **Resolution #2013-177:** On the motion of Trustee Jones, seconded by Trustee Sennett, it was resolved and unanimously carried (5-0 in favor) to authorize accepting the Met Life Settlement of \$3,266.48 for their claim #ALG10923 relative to the October 10, 2013 accident and the Village's subsequent invoice #1018 in the amount of \$3,566.48. In discussing the resolution it was noted that the compromise is a reduction of \$300.

Status of Municipal Lease Purchase of a new Loader – Mayor Hubbard said we now have three lease quotes for a new loader that is on State Contract; First Niagara remains the lowest. DMO Lotkowitz said it is within budget and clarified that it will be one payment a year for the five-year lease. **Resolution #2013-178:** On the motion of Trustee Sennett, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to authorize entering into a five year municipal lease agreement with First Niagara for a new John Deere 544 loader.

22 Fennell Street - *Dave Colegrove arrived. Mayor Hubbard noted that Mr. Colegrove's letter just arrived today so the Board has not had much time to review it. Mr. Colegrove reported that the letter updated the Village on the progress he made with Ron Patulski, the owner of the 22 Fennell Street property. While it wasn't easy for Mr. Patulski to see the issue from far away, he responded positively to each of the points made in Atty. Byrne's letter and is awaiting a formal draft agreement that will spell out in exact terms how easements or rights-of-ways can be exchanged between 22 and 26 Fennell Street. Atty. Byrne said he will get to work drafting an easement to get to Mr. Patulski. He said it is not written yet, but there will be one-way access with the exit from the Post Office lot onto Village property. Chief Perkins agreed it makes sense to make it one-way. Mr. Colegrove said the trash dumpster will be removed and he will talk to the current snow plowing company that will probably be delighted as snow removal was difficult with the current situation. Mr. Colegrove said a few of the tenants weren't all that interested, but none were against the plan. Mr. Colegrove thanked the Board for their attention to this matter and the planned improvements. Atty. Byrne said he can make this happen fairly quickly; Mr. Colegrove said Mr. Patulski is committed.

Five Minute recess at 8:52 p.m. prior to Approval of Bills- Abstract #11

Approval of Bills – **Resolution #2013-179:** On the motion of Trustee Jones, seconded by Trustee Sennett, it was resolved and unanimously carried (5-0 in favor) that bills from Abstract #11 be audited and paid as follows:

General Fund	Vouchers #463-521	Checks 15453-15509	\$119,018.92
Sewer Fund	Vouchers #121-139	Checks 4519-4536	\$ 18,852.79
Electric Fund	Vouchers #136-152	Checks 5146-5162	\$ 27,830.53
Water Fund	Vouchers # 87 - 98	Checks 3627-3638	\$ 10,134.31

In discussing the resolution, Trustee Sennett said she likes the new abstracts and it is helpful having them emailed prior to the meeting. Trustee Jones agreed; Trustee Lanning said they are easier to read. Mayor Hubbard said he noticed the payment to Sewer Specialties. DMO Lotkowitz said they TV inspected south of Onondaga Street on East Lake Street and East Lake Road. Preliminary reports indicate some broken pipes and we will have to decide to re-line or replace the pipes.

Executive Session – **Resolution #2013-180:** On the motion of Trustee Angelillo, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to move into Executive Sessions at 9:04 p.m. for 1) Discussion of Employee Disciplinary Proceedings and 2) Personnel Matter; discussion of new position. **Resolution #2013-181:** On the motion of Trustee Jones, seconded by Trustee Sennett, it was resolved and unanimously carried (5-0 in favor) to move out of Executive Session at 9:54 p.m. and invite Carrie Chantler and Joe Genco back to the open meeting from their waiting in the lobby.

Police Department Position – **Resolution #2013-182:** On the motion of Mayor Hubbard, seconded by Trustee Jones, it was resolved to create a new position of Police Department Clerk-Typist 1 and abolish the two part-time positions of Typist 1 and Community Service Officer upon Cindy Jacob's resignation from those two part-time positions. Trustee Lanning offered an amendment to the resolution to increase new employee health contributions from five (5) percent to ten percent to start going in the direction of reducing costs for the Village. There was no second to Trustee Lanning's amendment. By unanimous vote of 5-0 in favor, the original resolution offered by Mayor Hubbard and Trustee Jones was carried.

Atty. Byrne noted that a "New Position Description" (developed by Atty. Byrne, Chief Perkins, and Clerk-Treasurer Couch) describes the arrangement, the salary and benefits associated with the new position, and credit for accrued & unused benefits which Cindy earned during her prior full-time employment with the Village. Additionally, a "Job Description" (developed by Chief Perkins with review by Clerk-Treasurer Couch) describes the duties associated with the position. Trustee Angelillo asked Clerk/Treasurer Couch how much an employee pays per month for a single health insurance policy. Clerk/Treasurer Couch said a single policy costs about \$580 per month and the employee pays 5% of that or about \$29 per month or approximately \$6.70 a week. Trustee Angelillo said increases in the employee contribution for future new employees would need to be negotiated and he doesn't think another \$6.70 a week is worth the possible contention with the union. Trustee Sennett noted that Ms. Jacobs is not a new employee – it is the position that is new. Chief Perkins thanked the Board and advised that Cindy will resign tomorrow morning from the two part-time positions.

Adjourn – Resolution #2013-183: On the motion of Trustee Angelillo, seconded by Trustee Sennett, the meeting was adjourned at 9:59 p.m.


Patty Couch, Village Clerk/Treasurer

**Regarding the Application of Jason Slottje
For Critical Impact Approval Regarding the Change of
Use of the First Floor Space at 25 Jordan Street, from
Retail Sales to Restaurant Use**

RESOLUTION

Background.

This matter comes before the Board of Trustees for Critical Impact approval, pursuant to Article XI of Chapter 225 of the Village Code.

This project involves the change of use of the ground floor space at 25 Jordan Street, which was formerly occupied by the Paris Flea, and which involved the sale of antiques, gifts and home decorations. The owner proposes to lease the space to the couple who are currently operating the Skaneateles Bakery, located next door. The tenants would use the space to sell coffee and other beverages, as well as small food items.

The proposed change of use was considered by the Planning Board at a meeting on November 7. The Board issued a site plan approval for the project and made an advisory recommendation to the Board of Trustees for the granting of Critical Impact approval.

The matter is now before the Board of Trustees for Critical Impact approval. As required by law, the Board of Trustees has conducted a public hearing.

Required Findings.

Pursuant to Village Zoning Law Section 225-54 (Critical Impact Permits), Subsection F (Basis for Determination) the Board of Trustees are required to take into consideration "...the public health, safety, morals and welfare..." and are required to make various findings with respect to a project. After full consideration of all information and materials presented in support of this application, the Board of Trustees find as follows:

- A. The plans submitted for the proposed change of use meet the prescribed requirements of Article XI (Critical Impact) and all applicable regulations and Code provisions.
- B. The proposed change of use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural or other special quality of similar magnitude.
- C. The proposed change of use is in harmony with the visual and physical context of the immediate neighborhood.

D. The proposed change of use and site development plan are in harmony with, and will not impede the orderly development or redevelopment of, the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site.

E. The proposed change of use will be developed in such a way as to insure maximum amenities will be available to the site and the structure will be reasonably accessible for police and fire protection, and the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed structure.

F. The traffic controls for vehicular and pedestrian movements are adequate to protect the safety of the general public and the occupants of the structure.

G. The structure will comply with the provisions of Chapter 167, Article III (Use of Sewers).

THEREFORE, based upon all of the foregoing, the Board of Trustees hereby grants Critical Impact approval.

Adopted this 14th day of November, 2013.

Motion made by: Trustee Jones

Seconded by: Trustee Lanning

Those voting in favor: Trustees Jones, Lanning, Angelillo and Sennett, and Mayor Hubbard

Those voting in opposition: None