

**OPERATIONS MEETING, VILLAGE BOARD OF TRUSTEES
WEDNESDAY, JUNE 28, 2017
5:00 P.M.**

PRESENT: Mayor Hubbard, Trustees Dove*, Eriksen*, Sennett*, and Stokes-Cawley, DMO Harty*, Village Attorney Pavlus, Clerk to the Boards Dundon, Codes Enforcement Officer Crompt

Others:	Mark Aberi	62 Fennell Street
	Alan Briggs	4767 Austin Road
	Meryl Eriksen*	11 West Elizabeth Street

Mirbeau – Village Atty. Pavlus referenced the email that he sent to Mayor Hubbard and the Trustees on June 27, 2017 relative to the Mirbeau Zone Change. He recited some of that email to bring the Board up-to-date on what the Planning Board and ZBA have done since the Village Board opened the Public Hearing for the proposed zone change at their meeting of May 11, 2017. At that time, Mirbeau representative Bob Eggleston described the proposed development and zone change. Given that the Planning Board had not completed its SEQRA review and would be reviewing it again at their June 1, 2017 meeting, the Village Board adjourned the public hearing to its June 8, 2017 Meeting. The Planning Board asked the ZBA to comment on whether they would approve contemplated variances for lots 1-5 of the proposed subdivision – the ZBA did so at their meeting of May 24, 2017, asked the Planning Board why a cluster subdivision was not considered, and have the matter on its agenda of this evening. Atty. Pavlus recalled that Mr. Eggleston asked for uniform guidance on a preferred approach from the Planning Board and ZBA. The Planning Board, expecting receipt of the completed SEQRA part 2 form from GHD (Village’s Engineer), scheduled a continuation of this matter to its next meeting on July 10, 2017. Atty. Pavlus acknowledged that GHD’s letter dated yesterday was received today and lists a lot of additional information that they require in order to complete their review. Mayor Hubbard recalled that on June 8, 2017 the Village Board continued the public hearing on the proposed zone change to July 13, 2017 (re-scheduled to July 11) because the Planning Board had not yet completed the SEQRA review. It now sounds like the July 11 public hearing will be held open for another month till after the Planning Board Meeting. Trustee Sennett asked if the Planning Board and ZBA came to consensus on what’s going to happen. *Trustee Dove arrived. Atty. Pavlus said that Trustee Eriksen reached out to ZBA Deputy Chair Badami as ZBA Chair Balestra recused himself. Mayor Hubbard said there is a lot of “chicken and egg” going on. Zone change or no zone change may make a big impact on the decision – who’s going to go first? Atty. Pavlus said as the proposal stands now the subdivision of the five lots along Fuller Street would be done in an A-2 district, even with the proposed zone change. The proposed zone change would change a portion of the parcels from A-2 to A-3 affecting Units A, B and C for the extended stay lodging the applicant proposes to construct. Moving the boundaries of zoning designations, several tax map parcels would be affected. Atty. Pavlus said it’s a policy consideration – the Board needs to think about what type of precedent is being set by granting a proposed zone change and what may be affected. Atty. Pavlus said spot zoning is not looked upon favorably. Questions to ask are, will others ask for a zone change of their lots, will it set a precedent for more. Trustee Sennett said the original proposal for Mirbeau was a commercial building changed to lodging and that made it consistent with what’s there. She asked if there was any consideration of lodging in A-2. Atty. Pavlus said he doesn’t know. A-3 was created when Mirbeau went in – there are no other A-3 districts. This board needs to consider the message to other residents and the precedent. There is a ripple effect for each decision – the Village Board needs to be cognizant of the decision. Trustee Dove asked what the logic is to switch A-3 to A-2. DMO Harty said to be consistent with A-2 on Fuller Street. *Trustee Eriksen arrived; Meryl Eriksen left. Mayor Hubbard recognized that we can’t make a decision until the SEQRA is completed. DMO Harty said the Planning Board has to get through the review process. Until the SEQRA is done, we can’t take any action. The Planning Board is the lead agency. Mayor Hubbard noted that all the different boards

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have different considerations. Trustee Stokes-Cawley asked if there are any other alternatives besides a zone change from A-2 to A-3 or asking for variances. Atty. Pavlus said any zone change must be approved by the Village Board of Trustees. Trustee Dove asked if this is the plan we are considering.

Mayor Hubbard said the applicant has not considered what they could do if a zone change did not happen – the applicant has not proposed anything else. Clerk to the Boards Dundon recalled that Mr. Eggleston showed what it would look like within the A-2 district – 3 houses that he said would be like Prentiss Drive. Trustee Sennett recognized that with no variances, three houses could be built. Atty. Pavlus said we have only seen one plan with the proposed zone change. Mr. Eggleston did say that plans were evolving. Trustee Sennett said it was highway commercial when the land was with the Town. When it was annexed it all went to A-2 with commercial, but a determination was made not to keep any commercial. Atty. Pavlus commented, keep consistent with A-2. Trustee Stokes-Cawley said she thinks minutes may refer to a possible consideration of a zone change in the future. Trustee Eriksen said he doesn't recall any such representations, but it would be worth checking the minutes. At most, the applicant may have had in mind that a future project may want a zone change. Trustee Dove asked about pulling together the Planning Board and ZBA. Trustee Eriksen confirmed that he talked to ZBA Deputy Chair Badami who was in favor of informally talking to the Planning Board. They are not looking at a joint meeting. Clerk to the Boards Dundon advised that Planning Board Chair Kenan talked to Deputy Chair Badami and the two of them want to get together to discuss it. Trustee Dove asked what's next for us. Mayor Hubbard reiterated that we all have different considerations and the SEQRA review by the Planning Board has to be completed first.

Application Timeline – Trustee Dove said she'd like to discuss appropriate time frames for when residents can expect to hear on their applications. She inquired if all applications take four weeks and asked who communicates with applicants. CEO Crompt said he talks to applicants and the length of review depends on how many applications are in the works, how many phone calls need to be made, how many individuals need to be involved, etc. Proper review takes time and it all depends on the flavor of the applications. We have a lot that goes on and everything takes time. Trustee Dove said she just wants to encourage communication. She asked if we have an agreement with GHD relative to them completing review within a certain time. DMO Harty said, no, adding that we are dumping a lot on them and it is further complicated with complex applications. Trustee Dove suggested that we should have a time frame with GHD. While not sure exactly how long that should be, she mentioned 2 weeks, 3 weeks – just something so we can tell applicants when they can expect an answer. Trustee Dove asked that we communicate as best we can and give the best customer service. Clerk to the Boards Dundon recognized that in some cases the applications are not complete – that is frustrating and time consuming for CEO Crompt. Incomplete applications were being held, but are now being returned. When they are re-submitted they are renumbered to the bottom of the list. The review clock doesn't start ticking until the complete application is received. CEO Crompt said the local architects' applications are the most complete as they know what we require. CEO Crompt said everyone is in a hurry, but the back and forth takes time. The application checklist was re-vamped to assist applicants, but not everyone uses it.

Parkside Lot 38 – DMO Harty said she needs guidance relative to Parkside Lot 38 as she is being asked to review two different plans. We don't have a precedent and we'll be going on to the third GHD review. In response to Trustee Sennett, DMO Harty said we do not have an escrow to cover engineering review. One version was June 16 and another on June 20 – DMO Harty said she can't think of when this has happened before. Atty. Pavlus said the Planning Board set a condition for grading. There is one pending application with GHD now and that's the one that should be considered. He added that DMO Harty makes a good point – GHD charges by the hour. When there are further charges incurred, the applicant should pay. Trustee Sennett recognized that some development does require review by an engineer so may need an escrow. Atty. Pavlus said the Board has the authority to make modifications through the Building Permit process; the policy should be conveyed to applicants. Typically, professional fees aren't necessary. In response to Trustee Dove, DMO Harty said two applications are now on the table – one for

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Planning Board review and one for GHD review. Applicant Mark Aberi said the retaining wall application seems like it is approvable – the other was back-up. Trustee Dove commented that it is as clear as mud. *DMO Harty left the meeting. Clerk to the Boards Dundon said no application has been submitted to the Planning Board, so, the matter is not on their agenda. Mr. Aberi said Architect Eggleston said it is on the agenda for the 11th. Mr. Aberi said the review took a month with GHD. Atty. Pavlus sent a letter advising him (Mr. Aberi) that he wasn't to talk to GHD and/or DMO Harty. Mr. Aberi said eventually a meeting was set up with GHD and we talked with them about the retaining wall concept which looks to be the only way to do it. He said he is trying to make it all work, but has been jailed from conversation with the public officials. If DMO Harty is trying to stop the application, he doesn't know why. The foundation is in. CEO Crompt concurred with Trustee Stokes-Cawley's conclusion that we need to wait for GHD to respond. *Trustee Sennett left the meeting. Mayor Hubbard said the application is at GHD. Trustee Dove asked when we are getting an answer. CEO Crompt said we can ask – DMO Harty can ask. He said he doesn't know why it takes so long. Trustee Dove said we should ask so that Mr. Aberi has an idea. Mayor Hubbard said Atty. Pavlus can formally ask GHD about the timeline. Atty. Pavlus said it is always better in writing. Trustee Stokes-Cawley said she'd like to move towards escrows for professional services. Mr. Aberi said he is not trying to stir the pot – he is just trying to get a permit. Mayor Hubbard recognized that GHD's Nick Hyde has a lot going on and we aren't his only client.

Adjournment – The Operations Meeting adjourned at 5:55 p.m.



Patty Couch, Village Admin./Clerk-Treasurer

