



**Phillips Lytle** LLP

**Via Email and FedEx**

Ms. Jessica Giles, Chair  
Village of Trumansburg Planning Board  
56 E. Main Street  
Trumansburg, NY 14886

March 6, 2020

Re: Crescent Way Subdivision  
Final Subdivision Plat Application

Dear Ms. Giles:

As you know, we represent Ithaca Neighborhood Housing Services ("**INHS**") in connection with the above-referenced subdivision ("**Project**"), which involves the development of a residential/mixed-use/mixed-income project on a nineteen (19) acre parcel located at 46 South Street in the Village of Trumansburg ("**Village**"). The Project extends to an adjacent parcel located at 50 South Street pursuant to a purchase agreement that INHS reached with the Owner of that property (collectively "**Site**"). In conjunction with the Project, on December 14, 2017, INHS and its co-applicant, Sundial Property Development, LLC/Claudia Brenner (collectively "**Applicants**") filed for site plan and subdivision approval ("**Preliminary Applications**"), which were conditionally approved by the Village of Trumansburg Planning Board ("**Planning Board**") on October 24, 2019 (see, **Exhibit B** attached hereto).

Pursuant to the Zoning Ordinance of the Village of Trumansburg ("**Ordinance**") § 440, on behalf of the Applicants, and as set forth more fully below, we submit this letter of intent, with supporting documentation, for review and approval of the Final Subdivision Plat ("**Final Plat Application**"). Five (5) full-size copies of the Final Plat will be submitted to the Village under separate cover.

Enclosed please find seven (7) copies of the Application with the following exhibits attached hereto and made part hereof:

**Exhibit A:** Final Plat

**Exhibit B:** Planning Board Resolution Conditionally Approving the Project

ATTORNEYS AT LAW

ADAM S. WALTERS, PARTNER DIRECT 716 847 7023 AWALTERS@PHILLIPSLYTLE.COM

ONE CANALSIDE 125 MAIN STREET BUFFALO, NY 14203-2887 PHONE 716 847 8400 FAX 716 852 6100

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- Exhibit C:** February 25, 2020, Letter from MRB Providing Comments on the Final Plat  
**Exhibit D:** Draft Stormwater Operation, Management and Reporting Agreement  
**Exhibit E:** March 4, 2020 Letter from Zoning Officer Providing Comments on the Final Plat

### **PROJECT DETAILS**

**Applicant:** Ithaca Neighborhood Housing Services;  
Sundial Property Development, LLC/Claudia Brenner

**Applicant Address:** 115 W. Clinton Street      421 North Aurora Street  
Ithaca, NY 14850      Ithaca, NY 14850

**Attorney Contact:** Phillips Lytle LLP  
Attention: Adam S. Walters, Esq.  
One Canalside  
125 Main Street  
Buffalo, NY 14203  
Telephone: (716)847-7023  
awalters@phillipslytle.com

**Project Location:** 46 South Street  
Trumansburg, NY 14886

**Parcel ID:** 8-3-2.2, 9-1-2, and 9-1-4

**Property Owner:** Sundial Property Development, LLC

**Zoning District:** R1 - Residential District



### **PROJECT NARRATIVE**

The Site is an approximately 19 acre parcel of land located at 46 South Street, which also includes an adjacent parcel located at 50 South Street. *See Exhibit A.* The Site is surrounded by residential development consisting primarily of single-family homes and open space. *See Exhibit A.* The Site is accessible from Pennsylvania Avenue to the east and South Street to the west. *See Exhibit A.* The Site is subdivided into fourteen (14) lots. *See Exhibit A.*

The Project is a medium density, mixed-income residential development comprised of nineteen (19) buildings, along with associated parking areas and required utilities. The proposed buildings contain seventy-three (73) new housing units and a standalone nursery school, which will operate as a 501(c)(3) non-profit corporation. The unit mix includes a variety of housing options available at both affordable and market rate – seventeen (17) market rate for-sale units, ten (10) affordable for-sale homes, six (6) affordable rental townhomes, and forty (40) affordable rental apartments. The market rate units will be developed and sold by Ms. Brenner, the for-sale affordable units will be sold by INHS and the affordable rental units will be owned and managed by INHS.

### **PRELIMINARY PLAT CONDITIONS**

As described above, the Preliminary Plat was conditionally approved by the Planning Board on October 24, 2019. *See Exhibit B.* Below you will find the conditions that pertain to the Final Plat, as set forth in the Planning Board resolution, along with an explanation describing how each has been addressed and, as applicable, an exhibit reference directing your attention to the relevant materials.

**The Preliminary Subdivision Plat, in its final form as submitted to this meeting as part of the Applications and Project Information, including final plats and site plans as submitted on July 10, 2019 and July 24, 2019, including the document entitled “Ithaca Neighborhood Housing Services & Sundial Property Development, LLC, Crescent Way, 46 South Street, Trumansburg, New York, Preliminary Site Plan and Subdivision Plan”, dated March 16, 2019, and each of drawings and maps C101 through MF503, and the exhibits**



appended thereto, as supplemented upon said July 17 and July 24, 2019, and each of their Exhibits, be and hereby is approved subject to each and all of the following conditions:

**a. Final Plat - Notations and Changes Required:** In addition to statutes and subdivision requirements for final subdivision plats, the Applicants shall also attend to the following requirements and conditions:

1. The Final Plat shall specifically denote and mark the pathway area and open space in the entire northerly section of Lot 7 as open space and a "No Build" zone, in such manner and location(s) as reasonably approved by the Planning Board.

*APPLICANTS' RESPONSE:* The Final Plat has been updated to show the open area, and "No Build Zone" on Lot 7. See **Exhibit A**. Additionally, the Final Plat shows the approximate location where signage will be located on the Site to demarcate the "No Build Zone". See **Exhibit A**.

2. The Final Plat shall specifically denote and mark the green lawn and buffer areas on the southerly side of Lot 12 as a "No Build" zone, in such manner and location(s) as reasonably approved by the Planning Board.

*APPLICANTS' RESPONSE:* The Final Plat has been updated to show the open area, and "No Build Zone" on Lot 12. See **Exhibit A**. Additionally, the Final Plat shows the approximate location where signage will be located on the Site to demarcate the "No Build Zone" in this area. See **Exhibit A**.

3. The Lot 7 and Lot 12 "No Build" zones are intended to refer to the building or installation of buildings or other significant permanent structures as reasonably determined by the Village Zoning Officer, which such improvements or future improvements are not permitted or allowed, but such demarcation and this condition do not prevent the installation of pathways, utilities and lighting, recreational and



parkland facilities and amenities, necessary or desirable stormwater management facilities or ponds, picnic areas, tables, and pavilions, cooking boxes and contained fire pits, bird and bat boxes, recreational improvements, ball and other courts and playing surfaces, and like matters and improvements, each of which may be built, installed and maintained in such areas. However, some permanent changes, such as ball courts and permanent surface improvements, as reasonably to be determined by the Zoning Officer, may require Village approvals or site plan amendments, pursuant to the conditions listed below.

APPLICANTS' RESPONSE: *Acknowledged.*

4. The Final Plat shall specifically denote and mark Lot 7 and Lot 12 green spaces and open areas as available and open to general use and such areas shall be suitably graded and kept relatively level as to promote such use and future recreation.

APPLICANTS' RESPONSE: *The Final Plat has been updated to show open areas on Lot 7 and Lot 12, which are marked on the Final Plat as "Available & Open to General Use". See Exhibit A. Additionally, the Final Plat shows the approximate location where signage will be located on the Site to demarcate the "No Build Zones". See Exhibit A.*

5. The Final Plat shall specifically denote and mark all delineated wetland areas as "No Build, No Disturbance" zones and the Applicants shall monument the delineated boundaries of such wetlands on the ground, and other than as specifically set forth in the Site Plan as approved below, no disturbances of such wetland areas are allowed except to attend to and prevent flooding and the proper functioning of stormwater systems and the continued preservation and protection of such wetland areas. Materials and spacing of the monuments to delineate boundaries of such wetlands



**shall be determined at the reasonable discretion of the Zoning Officer.**

*APPLICANTS' RESPONSE: The Final Plat has been updated to include delineated wetland areas A, C and F in the "No Build Zones". See Exhibit A. Additionally, the Final Plat shows the approximate location where signage will be located on the Site, which states that no disturbance is permitted in the wetland area. See Exhibit A.*

- 6. All lots shall have the affordable housing units thereupon clearly marked, and each such lot shall be subjected to filed covenants and restrictions that run with the title to ensure that such units and improvements thereupon remain as affordable per Project Information submissions and Tompkins County affordability standards, as now written and hereafter periodically updated, for a minimum period of 5 years for for-sale units and 50 years for rental units, in a form as is reasonably approved by the Village.**

*APPLICANTS' RESPONSE: The Final Plat has been updated to note Lots 2, Lot 4, Lot 8, and Lot 12 as having affordable housing units. See Exhibit A. Additionally, the comment regarding covenants and restrictions is acknowledged.*

- 7. The Final Plat shall specifically denote and mark as a site-wide condition affecting the entire plat that "No Future Subdivisions of any areas or lots are allowed or shall be applied for or approved."**

*APPLICANTS' RESPONSE: The Final Plat has been updated to include this note. See Exhibit A.*

- 8. Final approval shall demonstrate substantial compliance with any final comments issued thereupon by the Village's engineers (MRB), including the MRB reply letter, addressing the preliminary plat and site plan submissions, as contained in the Project Information dated July 31, 2019.**



*APPLICANTS' RESPONSE: Acknowledged. The Applicants' response to each of MRB's final comments is provided above.*

### **MRB COMMENTS**

In anticipation of formal submission of this Final Plat Application to the Planning Board, Applicants submitted a draft of the Final Plat in February to the Village Engineer, MRB Group, the Village Attorney and the Village Zoning Officer. By Letter dated February 25, 2020, a copy of which is attached hereto as *Exhibit C*, MRB provided final comments on the Final Plat for consideration by the Planning Board. For your convenience, the comments received from MRB Group, are set out below, along with an explanation describing how each has been addressed.

1. Plat Approval signature lines should be provided.

*APPLICANTS' RESPONSE: A signature line for the Planning Board Chair has been added to the Final Plat. See **Exhibit A**.*

2. All utility easements should be revised to reflect the type of utility being covered by the easement.

*APPLICANTS' RESPONSE: All easements have been assigned an "E" number and an easement table has been added to the Final Plat identifying each easement and noting its type. See **Exhibit A**.*

3. All easements should include an identification number.

*APPLICANTS' RESPONSE: All easements have been assigned an "E" number and an easement table has been added to the Final Plat identifying each easement and noting its type. See **Exhibit A**.*





4. A stormwater maintenance easement may need to be provided for stormwater practices located outside of the right of way.

APPLICANTS' RESPONSE: *A draft proposed Stormwater Operation, Management, and Reporting Agreement ("SOMRA") with easement is attached hereto as **Exhibit D**. Applicant proposes that the execution and filing of the SOMRA occur prior to issuance of the first certificate of occupancy as a condition of Final Plat Approval.*

5. Easement and right of way descriptions are to be provided to MRB Group and the Village Attorney for review and approval. Metes and bounds descriptions for all easements and right of ways will be required to be provided for review, and approved and filed prior to the issuance of the first certificate of occupancy.

APPLICANTS' RESPONSE: *Acknowledged.*

6. The attached monument detail is to be added to the plan set. Concrete monuments per the attached detail should be provided on both side of the right of way at the following locations: at the intersection of Pennsylvania Avenue and Crescent Way, at the intersection of South Street and Crescent Way, and at both dead ends of Crescent Way (southern end of line L2 and L3 and at both ends of line L7).

APPLICANTS' RESPONSE: *The monument detail and requested monument locations have been added to the Final Plat. The legend was also updated to show the monument symbol. See **Exhibit A**.*

#### **ZONING OFFICER COMMENTS**

By Letter dated March 4, 2020, a copy of which is attached hereto as **Exhibit E**, the Village Zoning Officer provided comments on the draft of the Final Plat. For your convenience, the comments received from the Zoning Officer, are set out below, along with an explanation describing how each has been addressed.





**I have reviewed the Final Plat submitted on behalf of Ithaca Neighborhood Housing Services (INHS) and Sundial Properties as dated 2/14/2020. Subject to any final review and comments from the Village engineering consultants and DPW, as well as a review thereof by the Planning Board, I have found and determined that:**

1. The Final Plat maintains the same roadway and lot lines as approved in the preliminary plat approval.

APPLICANTS' RESPONSE: *Acknowledged.*

2. The applicants have materially implemented those conditions capable of satisfaction at this time, including but not limited to the conditions listed in paragraph 4(a) of the preliminary plat approval, and several map and detail updates per the engineer's request.

APPLICANTS' RESPONSE: *Acknowledged.*

3. The conditions set forth in paragraphs 3 and 4(b-e) are generally continuing conditions that will be carried forward in some form in the Final Plat Approval, subject in each case to the determinations of the Planning Board.

APPLICANTS' RESPONSE: *Acknowledged.*

Therefore, I conclude that the Final Plat, per section 442, is in substantial agreement with the preliminary plat approved per section 436 (and related provisions of the subdivision law) and thus recommend approval of the Final Plat, subject to:

- A. Such continuing conditions as may be required or imposed by the Planning Board pertaining to the above conditions, the bond, placing of monuments, submission of as-built surveys, permit compliance relative to DOH and DEC, and like matters; and
- B. This letter constitutes only findings of the Zoning Officer and is subject in all cases to input from engineers, DPW, and the final findings and determinations of the Village Planning Board.

APPLICANTS' RESPONSE: *Acknowledged.*



**REQUEST FOR WAIVER OF PUBLIC HEARING REQUIREMENT**

Ordinance § 442 requires a public hearing on any application for Final Plat approval, but permits the Planning Board to waive such requirement if it “deems the final plat to be in substantial agreement with a Preliminary Plat approved under [Ordinance §] 436, and modified in accordance with requirements of such approval if preliminary plat has been approved with modification.” As discussed above, the Project was conditionally approved by the Planning Board on October 24, 2019. *See Exhibit B.* Thereafter, the Applicants submitted a draft of the Final Plat to the Zoning Officer, who reviewed the Final Plat and determined that the Final Plat is in substantial agreement with the preliminary plat. *See Exhibit E.* Accordingly, the Applicants respectfully request that the Planning Board waive the public hearing.

**CONCLUSION**

We respectfully submit that the Final Plat is in substantial agreement with the Preliminary Plat and meets all Subdivision Code requirements for submission of the Final Plat. Thus, pursuant to Ordinance § 449, the Applicants respectfully request that the Application be approved and the Final Plat be granted.

On behalf of the Applicants, we further respectfully request that the Planning Board commence review of the Final Plat and place this matter on its March 26, 2020 agenda.

We look forward to working with the Village to finalize this exciting Project. Please do not hesitate to contact us if there are any questions regarding this Application.

Very truly yours,

Phillips Lytle LLP

By 

Adam S. Walters

ASW

Enclosures



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cc: Guy Krogh, Attorney, Village of Trumansburg  
Tammy Morse, Clerk, Village of Trumansburg  
Tom Myers, Code Enforcement Officer, Village of Trumansburg  
Lance Brabant, MRB Group  
Collin Sowinski, MRB Group  
Joseph L. Bowes, Director of Real Estate Development, INHS  
Alena Fast, Real Estate Developer, INHS  
Claudia Brenner, Sundial Property Development, LLC

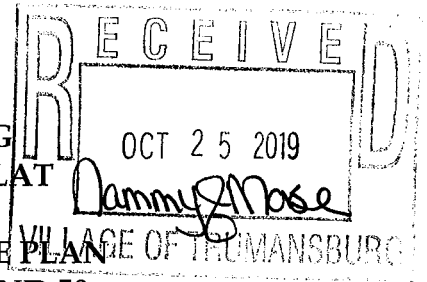
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**RESOLUTION CONDITIONALLY APPROVING  
CRESENT WAY SUBDIVISION PRELIMINARY PLAT  
AND  
CONDITIONALLY APPROVING PRELIMINARY SITE PLAN  
FOR DEVELOPMENT OF CRESCENT WAY, AT 46 AND 50  
SOUTH STREET, IN THE VILLAGE OF TRUMANSBURG**



WHEREAS, the Village of Trumansburg Planning Board (hereinafter the “**Planning Board**”) has received an application for site plan approval and an application for preliminary subdivision review (together, the “**Applications**”) from Ithaca Neighborhood Housing Services and Sundial Property Development, LLC/Claudia Brenner (together, the “**Applicants**”) for the development of a residential/mixed-use/mixed-income residential project on a 19±-acre parcel of property located at 46 South Street in the Village of Trumansburg, New York, and including an adjacent parcel located at 50 South Street, in the Village, Tax Parcel Numbers 9.-1-2 and 9.-1-4 (collectively, the “**Site**”) on 15 individual lots, consisting of 17 market rate for-sale units, 10 affordable for-sale townhomes, 6 affordable rental townhomes, 40 affordable rental apartments in a two story elevator building, and a stand-alone nursery school (individually and collectively, the “**Project**”); and Applicants further filed supplemental submissions with the Planning Board on December 14, 2017, and made supplemental submissions in connection therewith on March 15, 2018, June 27, 2018, June 28, 2018, November 13, 2018, January 24, 2019, February 21, 2019, April 18, 2019, May 6, 2019, July 10, 2019, July 17, 2019, and July 24, 2019, each and all in response to specific requests for information, project changes and updates, whether needed or requested due to engineering needs and reviews, comments and design/impact issues from the public at the multiple public hearing and public comment sessions, and from the planning board, Village DPW, and other village officers, employees and agents relative to site, lot, and building design and impact mitigation, among other reasons; and

WHEREAS, to aid the Planning Board in its review of the Project, the Planning Board completed, received, and reviewed the Applicants’ many submittals, submittals by those who object to the Project, including the objections by Trumansburg Neighbors Alliance (“**TBNA**”) and TBNA’s counsel Bond, Schoeneck & King (“**BS&K**”), and other environmental information and Project information (collectively, the “**Project Information**”), key portions of which are more particularly listed and described in the attached **Exhibit A**; and

WHEREAS, the process to initiate the Applications began in April 2017, with informal presentations about the Project to the Village Board of Trustees, Planning Board, Mayor, and a community meeting attended by members of the public, which gave both the Village and the public a significant opportunity to provide feedback and guidance very early on in the design and review process; and

WHEREAS, Applicants attended two Planning Board meetings on May 18 and July 27, 2017 to present preliminary concept plans and discuss the proposed Project prior to initiating the sketch plat consultation process, and upon August 10, 2017, after a downsizing of the Project and a wholly revised Project layout and design, Applicants submitted subdivision sketch plat materials to the Planning Board for preliminary review and Planning Board feedback, and after further revisions and design

changes, from lot layouts to building locations, sizes, and siting, Applicants filed the Applications on December 14, 2017 with Parts I and II of the Full Environmental Assessment Form, followed by additionally filed supplemental information, site plan information, lot and usage and stormwater system calculations on December 18, 2017; and

WHEREAS, Applicants offered to the Planning Board, and the Planning Board accepted, an indefinite extension of the statutorily mandated time periods within which certain actions and decisions regarding the Applications must be made in order to aid the Planning Board and provide as much time as the Planning Board deemed sufficient to thoroughly review and consider the Project and the Applications, which extensions have been periodically reaffirmed, including by Applicants affirming the extensions until an agreed-upon minimum of October 31, 2019, for both the subdivision and the site plan review; and

WHEREAS, during the period that the Applications were pending, in order to encourage full consideration of all relevant issues, the Planning Board established a practice of allowing public comment on the Project during privilege of the floor, comment periods, and sometimes also at the conclusion of each meeting (with minimal exceptions, such as single-issue meetings or meetings for executive or closed sessions) to ensure citizen participation and input throughout all stages of the Planning Board's review of the Applications, and the Planning Board retained MRB Group, Engineering, Architecture & Surveying, D.P.C. ("**MRB**") as its engineering consultant for the Project to assist it with its review of the Applicants' proposed Project, and the Village Attorney regularly attended Planning Board meetings and advised the Planning Board on key legal issues at every phase of the Planning Board's review of the Applications; and

WHEREAS, Applicants have appeared at virtually every Planning Board work session and meeting since filing the Applications to engage the Planning Board in dialogue about the Project, and have made significant modifications to the Project based on Planning Board feedback, and have provided extensive additional documentation and responded to numerous comments, suggestions, and feedback from the public, the Planning Board, and the Village's team of experts in regard to the Project; and

WHEREAS, on January 8, 2018, in opposition to the Project and to encourage the adoption of a moratorium on all development within the Village, TBNA submitted an Analysis of The Village of Trumansburg's Current Zoning Ordinance" ("**TBNA Objections**") to the Village Board of Trustees ("**Trustees**") requesting that the Trustees adopt a moratorium on all development within the Village, which request was denied after careful consideration by the Trustees; and

WHEREAS, by letter dated February 19, 2018, MRB provided written comments on the Project to Applicant and Planning Board; and

WHEREAS, on behalf of TBNA, and in further opposition to the Project, BS&K submitted a letter to the Planning Board, dated February 20, 2018 ("**February 2018 BS&K Objection Letter**"), asserting that the Planning Board could not continue its review of the Applications because of certain alleged ambiguities in both the Village Zoning Code and the Village Subdivision Regulations ("**Codes**") and which reiterated issues raised in the TBNA Objections; and

WHEREAS, on March 15, 2018 Applicants made a supplemental submission to the Planning Board to respond to MRB's February 19, 2018 comments; and

WHEREAS, on March 22, 2018 pursuant to the State Environmental Quality Review Act ("**SEQRA**") and the provisions of the Trumansburg Village Environmental Quality Review ("**VEQR**") the Planning Board formally declared itself as the Lead Agency for coordinated Project review under SEQRA/VEQR, duly classifying the Project as a Type I Action, duly notifying each involved agency; and

WHEREAS, by letter dated April 18, 2018, MRB provided written comments on the Project to Applicant and Planning Board; and

WHEREAS, on April 20, 2018, Applicants submitted a formal response to the TBNA Objections and the February 2018 BS&K Objection Letter, addressed to Village Attorney Guy Krogh, which considered, addressed and responded to all arguments made by TBNA, and the Village further commissioned Camoin Associates to prepare a May 2018 Economic and Fiscal Impact Analysis ("**Economic and Fiscal Impact Analysis**") of the Project on the Village and the Village of Trumansburg Central School District; and the Economic and Fiscal Impact Analysis concluded, among other things, that the Project is expected to have a net positive fiscal impact on the Village, including, specifically, a net positive fiscal impact on the Village's School District; and further concluded that the Village School District has the capacity in both teachers and facilities to accommodate the likely increase in school-aged children in the Village due to the Project; and further concluded the Village Fire Department has the capacity to serve the Project and the Project's mix of unit types; and

WHEREAS, on May 24, 2018, BS&K submitted another objection letter ("**May 2018 BS&K Objection Letter**") to the Planning Board on TBNA's behalf to assert a number of alleged procedural and substantive deficiencies relative to the Project and the Planning Board's review of the Project, which, in addition to reiterating and expanding upon certain arguments made in the TBNA Objections and the February 2018 BS&K Objection Letter, raised arguments under SEQRA and VEQR and asserted that the Planning Board was required to issue a positive declaration for the Project, including *because* it was a Type I review; and

WHEREAS, the Planning Board held a duly noticed public hearing on the Project at 7:00 pm on May 24, 2018 and took statements, testimony, and evidence from all persons interested in the subject thereof; and

WHEREAS, on June 27, 2018 Applicants provided detailed responses to the May 2018 BS&K Objection Letter by submission to the Planning Board addressing the SEQRA/VEQR arguments presented therein; and in addition to providing a response to the May 2018 BS&K Objection Letter on such date, Applicants also responded in writing to all substantive comments received at the May 24, 2018 public hearing, and on June 28, 2018, Applicants further provided written responses to MRB's April 18, 2018 comments, including, among other things, additional project changes, data, stormwater and roadway design updates, each in response to specific requests from the Village and its experts, as well as to accommodate and update the materials in the Applications to ensure that the documents followed the subdivision and site plan changes being required and implemented throughout the review process; and



WHEREAS, at the Planning Board's June 28, 2018 meeting, Camoin Associates made an expert presentation and answered questions from the Planning Board with regard to the fiscal and service impacts of the Project and the conclusions in the Economic and Fiscal Impact Analysis; and MRB also attended the meeting and took questions from the Planning Board regarding technical aspects of the Project; and

WHEREAS, throughout these review periods many concerns about roadways and potential traffic impacts were raised and considered, and the Applicants hired traffic engineers (SRF Associates) who issued a Traffic Impact Study (a "TIS") dated December, 2017 (being part of the Project Information) which concluded that existing traffic patterns and additional traffic loading from this project would not produce significant adverse traffic or intersectional impacts and that a "no mitigation" response was indicated by the analyses, including as based on current traffic loads, patterns, and roadway design capacities. The Village duly then commissioned and hired an independent traffic engineering firm (Erdman Anthony, documents from which are also in the Project Information), which examined and confirmed these TIS conclusions, and such matter was discussed in detail at several meetings, including TBNA having had an opportunity to have its traffic engineer explain why existing traffic opinions were invalid or suspect, and after weighing all such issues, including in relation to SEQRA/VEQR, and including input by and from the Village DPW and the Village's engineers (MRB) (including all recommendations therefrom), the Planning Board did, and here again does, grant weight and credibility to the SRF Associates and Erdman Anthony studies, analyses, and conclusions, and thus duly relied and still relies upon such reports and conclusions; and

WHEREAS, by letter dated August 22, 2018, MRB provided additional written comments on the Project regarding the site plan and preliminary subdivision plat, including but not limited to further comments in connection with roadway design, access aisles, driveways, trail connections, green space, grading, erosion and sediment control, the drainage plan, elevations, sidewalks, parking spaces, utility plans, landscaping, lighting and signage plans, and stormwater calculations; and

WHEREAS, Applicants submitted to the Planning Board, at the Planning Board's request, a revised Full EAF, Part 1, dated September 4, 2018, and the Planning Board thereafter, and throughout the SEQRA process carefully reviewed, corrected, and updated the data and information in such EAF Part 1, and had many supplemental environmental and other maps and analyses conducted and prepared to supplement Part 1 and inform the analysis and reviews of Parts 2 and 3, and after careful consideration and thorough review of Applicants' submittals, the verbal and written comments of community residents, and with extensive input from the Village's engineering consultant and Village Attorney, and after carefully reviewing Part 1 of the Full EAF at its July 26, 2018 meeting, and further reviewing and completing Part 2 of the Full EAF at its August 23, 2018 and September 27, 2018 meetings, including individualized analyses and findings statements for each potential impact, and after further consideration of Part 3 of the Full EAF at its October 25, 2018 meeting, pursuant to SEQRA/VEQRA, the Planning Board by Resolution #18-1025, dated October 25, 2018, made and adopted a Negative Declaration and completed and filed Part 3 of the Full EAF as required for the Determination of Significance under SEQRA (and VEQR); and

WHEREAS, thereafter on January 22, 2019, at the suggestion of the Planning Board to enhance the Project's site plan and ensure congruence with the setbacks and porch features of many other buildings

in the area near the Village center, as well as to create greater site buffers and enhance open spaces for residents and the Village generally, Applicants submitted an application to the Village of Trumansburg Board of Zoning Appeals ("**BZA**") for (i) an area variance from residential parking requirements set forth in the Village Zoning Ordinance § 701.1, as applied only to the 46 affordable rental dwelling units in the Project, (ii) an area variance from front yard setback requirements set forth in the Village Zoning Ordinance § 302, and (iii) a Special Use Permit for the stand-alone nursery school proposed as a part of the Project (collectively, "**BZA Applications**"), and on January 28, 2019 the BZA held a meeting, attended by Applicants and members of the public in connection with the BZA's review of the BZA Applications, and Applicants further filed supplemental submissions to the BZA in further support of portions of the BZA Applications on February 12, 2019, February 19, 2019, and March 5, 2019, and on February 19, 2019 at 6:00pm the BZA further held a duly noticed public hearing and heard a presentation on the BZA Applications from the Applicants and also heard public comment and took testimony and evidence from all persons interested in the subject thereof, and the BZA examined the Planning Board's SEQRA negative declarations and confirmed that the Planning Board had duly considered the Project, and its actual and potential impacts, taking into account the possibility that the BZA would grant each and all of the variances and the special use permit that the Applicants had applied for, and the BZA considered such matters and applications at its meetings upon March 12, 2019 and March 21, 2019, and thereafter the BZA, by Resolution dated March 22, 2019, ratified and affirmed the setback variance approval and the special use permit approval that it approved and issued on February 19, 2019, and otherwise granted the BZA Applications and issued a Special Use Permit for the stand-alone nursery school; and

WHEREAS, it is duly noted that the BZA Applications were referred directly from the Planning Board (including after an updated zoning determination thereupon), which re-confirms that it was the Planning Board that had recommended that the Applicants pursue the BZA Applications to enhance the Project's site plan, and upon April 17, 2019, Applicants' design engineers provided written responses to the MRB comment letter dated August 22, 2018, including because several questions and updates could now be provided given the determinations as made by the BZA; and

WHEREAS, on April 18, 2019, Applicants provided to the Planning Board an additional supplemental submission with further revised site plans and preliminary plat based on the Planning Board's feedback in the months prior, and other Project updates since the October 25, 2018 Negative Declaration, including the incorporation of 50 South Street into the Site, and including an updated EAF Part 1 that properly reflected changes associated with the Project's design evolution, and such submissions included a detailed description of each change and supporting documentation relevant to these changes, and such updated EAF was reviewed to determine if any of the changes therein, including principally as arose from the BZA determinations, caused any environmental impact or factor to become, or have the potential to become, a moderate to significant impact, and the Planning Board found that the changes actually mitigated and reduced impacts, and that any stormwater impacts could and would be managed pursuant to an approved final SWPPP and state discharge permitting, and the Planning Board, thus, at that time, determined that no further or supplemental review was triggered or mandated under SEQRA/VEQR; and

WHEREAS, on April 26, 2019, Applicants' design engineers provided a further updated drainage report and revised stormwater calculations to MRB to reflect the modified site plan and address comments in the MRB comment letter dated August 22, 2018, and on May 6, 2019, Applicants provided

additional drainage reports and updated supporting calculations and documentation to the Planning Board for reference and review, including by MRB, and upon May 15, 2019, MRB completed a review of the preliminary overall subdivision and site plans dated December 13, 2017, last revised April 18, 2019, and the preliminary stormwater calculations dated March 16, 2018, last revised April 26, 2019, both prepared by Applicants' design engineers, and offered comments on the same by letter to the Planning Board; and

WHEREAS, on June 27, 2019, Applicants met with the Planning Board at its regularly scheduled meeting where the Planning Board provided comments on Project architecture, building types and building materials, colors, and design components, among other things and, in direct response to such additional public and Planning Board input, the Applicants made a supplemental submission upon July 10, 2019, to provide the Planning Board with a complete set of the latest version of the Project's site plans and preliminary plat, updated stormwater calculations, the Project design professionals' responses to MRB Group's May 15, 2019, comments, and provided additional information regarding Project architecture, building types, and building materials that the Planning Board previously requested during its June 27, 2019 meeting; and

WHEREAS, on July 17, 2019, Applicants made yet another supplemental submission to provide the Planning Board with additional architectural materials for the Affordable For Sale Townhomes and Market Rate Dwelling Units, and also submitted a revised Cover Sheet that reflected the incorporation of the additional architectural materials into the full set of revised site plans and preliminary plat, previously submitted by the Applicants for the Planning Board's consideration on July 10, 2019; and

WHEREAS, on July 17, 2019, MRB completed a review of the preliminary overall subdivision and site plans dated December 13, 2017, last revised July 10, 2019 and the preliminary stormwater calculations dated March 16, 2018, last revised July 10, 2019, and the drainage plans dated December 13, 2017, last revised April 26, 2019, and offered comments on the same by letter to the Planning Board; and

WHEREAS, on July 24, 2019, Applicants made a supplemental submission to respond to MRB's July 17, 2019 comments, and to provide the Planning Board with updated preliminary stormwater calculations last revised July 23, 2019, and to also provide several revised architectural and detail sheets; and

WHEREAS, on July 25, 2019, Applicants attended the Planning Board's meeting to discuss all of the foregoing materials and each of the Applicants' submissions to-date, and upon the Planning Board's review of all submissions made by the Applicants, and others, in connection with the Project, the Planning Board has determined that all changes to the Project since the October 25, 2018 Negative Declaration are minor changes, and not substantive changes, within the meaning of 6 N.Y.C.R.R. § 617.7, and accordingly determined there is no need to amend or rescind the Negative Declaration; and

WHEREAS, County Planning issued General Municipal Law §§ 239-l, -m and -n reviews to the Village Planning Board, including as SEQRA lead agency, in relation to the Site and the Project, such that 239 reviews relating to the impacts thereof were duly considered as required by law; and further, on August 28, 2019 the Planning Board directed an additional § 239 review request be filed with the County Department of Planning and Sustainability, just to be thorough, even though a renewed § 239 review may not have been technically required in respect of the Project developments and site plan

and preliminary plat changes; and the County duly replied to the additional §239 review request by letter dated September 11, 2019, continuing its prior replies as were delivered in relation to subdivision and site planning review, duly re-stating that the Project and its permits and variances, as submitted, have “no negative inter-community, or county-wide impacts”; and

WHEREAS, on August 29, 2019 the Planning Board held an additional duly noticed public hearing on the Project and took statements, testimony, and evidence from all persons interested in the subject thereof, and all persons in attendance desiring to speak were given an opportunity to speak, and submissions and evidence were duly received and thereafter duly considered, including all objections, information in opposition to and in support of the project and its site plans and subdivision platting; and

WHEREAS, on behalf of TBNA, BS&K submitted another objection letter to the Planning Board dated August 29, 2019 (“**August 2019 BS&K Objection Letter**”) largely reiterating arguments against the Project contained in the prior May 2018 BS&K Objection Letter, and asserting that the Applications must be denied for the reasons set forth therein; and upon September 27, 2019, Applicants again provided the Planning Board with a detailed response to BS&K’s August 29, 2019 letter; and

WHEREAS, on September 27, 2019, the Planning Board reconvened at a duly called special meeting and reviewed the § 239 information and reply, and continued such further discussion regarding the Project as it deemed necessary, and the Planning Board and its attorney, engineers, Zoning Officer and others, duly evaluated and considered all alleged or purported legal, code compliance, and zoning objections to the Project, including but not limited to the February 2018 BS&K Objection Letter, the May 2018 BS&K Objection Letter, and the August 2019 BS&K Objection Letter; and

WHEREAS, while the objections were determined not to have substantial preclusive merit under zoning or law as would mandate denial of subdivision or site plan submissions as updated over approximately two years, such objections and opinions, legal and non-legal, substantive and subjective, were duly considered in respect of the Applications and the Project, and duly informed the Planning Board’s determinations and conditions as set forth herein and below, and the Planning Board has thoroughly evaluated, and caused to be evaluated, the Project (with the variances and Special Use Permit as granted by the BZA in connection with the BZA Applications), and has determined that the Project complies with law and is an allowed use under Village zoning; and

WHEREAS, the Planning Board has further determined and declares that Village of Trumansburg Comprehensive Plan, dated February 11, 2008 (“**Comprehensive Plan**”) states that housing is becoming more expensive in the Village, reflecting the growing issue of housing affordability in Tompkins County; and the Comprehensive Plan further notes that the Tompkins County Affordable Housing Needs Assessment identified a lack of affordable housing across Tompkins County, including in the Village, and the Planning Board further finds and notes that this Project advances stated, written goals of the Comprehensive plan, including but not limited to promoting affordable housing and expanding housing opportunities and housing types to expand affordability options (pp. 15-16 of Comprehensive Plan), addressing affordable housing for growing senior populations (p. 16), a desire for affordable housing in the downtown core, specifically envisioning projects within walking distance to the Village center and schools, specifically including the use of existing road systems (pp. 15-16), implementing a 20-year vision to expand housing in off-street areas, with parking lots, sidewalks,

multi-unit housing, and a variety of housing densities and types within walking distance to downtown amenities, etc. (p. 17), housing focus goals to do these same things (pp. 40, 44); and using clustering by zoning or otherwise to promote more green and open spaces (p. 41), and the Planning Board had found and here again determines that this project meets these important goals and is consistent with, and advances, the declared public goals of the Comprehensive Plan; and

WHEREAS, Ithaca Neighborhood Housing Services states that its mission is to revitalize neighborhoods in Central New York, including Tompkins County, and encourage stability and diversity, and to assist low to moderate income people in obtaining quality housing on a long term basis; and where the Planning Board has determined that the Project is in furtherance of the same; and

WHEREAS, after careful consideration of the criteria and standards set out in the applicable laws and regulations, and of the Project Information, including all of the Applicants' submittals to date, the verbal and written comments and response to such comments, amendments and updates to the Project, and input from the Village's engineering consultants (MRB, as well as traffic engineers who performed TIS studies and verified the same), Village officers and employees, and other experts and consultants hired and relied upon by the Village, the Planning Board now desires to conditionally approve the Applications.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD AS FOLLOWS:

1. The following waivers of subdivision and roadway requirements, as allowed, provided for, and set forth in New York State Village Law and the Village of Trumansburg Subdivision laws and rules, be and hereby are granted to the extent, and for the purposes, as hereafter stated:

a. Roadways:

1. Roadway Waiver Findings & Declaration – Block and Intersectional Analyses: The Planning Board has documented and received both engineering and DPW approval for all street designs and intersections and improvements (as proposed and amended several times to the current approved street design and cross-sections as set forth in the Project Information), and although some general standards, such as "in general, 500 feet" are not violated, the Planning Board, none the less, pursuant to the waiver authority granted by NYS Village Law § 7-730(7) and Village subdivision law §§ 473.1 and 445, among other provisions, hereby waives block and intersectional requirements to the extent the same are, or may be read as being, inconsistent with the subdivision plat and roadway and utility plans set forth and mapped in the Applications, and the Planning Board expressly finds and so declares that: (i) the granting and scope of such waiver is in keeping with the spirit and intent, and safety and planning requirements, of the Village as reflected in the Comprehensive Plan, Village zoning, and the subdivision regulations; (ii) the roadway, as designed and to be built, is adequate and safe for the use thereof by the public and the residents and future residents within the Project; and (iii) the roadway cross sectional designs and locations for such roads, including turnarounds, intersections, turn radii, including as set forth in Project Information mappings and details at C601 and C602, L113, L114, L115, and L116 (and elsewhere), including in approved diagrams and communications concerning roadway designs with the Village

DPW and MRB, the Village engineers, are acceptable and sufficient and properly designed for the Project.

2. Roadway Waiver Findings & Declaration—Roadway Classification: The Planning Board required that the roadways and designs be developed with at least two street connections, but in a manner as will discourage through traffic. Accordingly, to the extent these roadways are required to be classified, the Planning Board expressly finds that they are Loop Roads. Under the Village's subdivision and land development rules, loop and circle roads, like many types of streets (including major streets, arterial streets, major arterial roads, private roads etc.) are not specifically defined as to their dimensional and improvement requirements, thus falling into the more general category that they must be adequate to serve the purposes of a road at that location, etc. The only types of roads in Village law that have specified parameters and improvement requirements are new Minor Streets and Collector Streets (§ 490.2). Again, while classification is not required by NYS or Village law or regulations, the Planning Board finds that the Projects streets are not collector or minor streets, but to the extent it can be argued that they are minor streets (or otherwise, see § 112.4 and § 472.3 of the Village's land development law and subdivision law and rules, respectively), the Project's roadways substantially conform to such specifications and the right-of-way is generally over 50' throughout its extent, but for that portion of the Project's roadway access to Pennsylvania Avenue where portions of the right-of-way are not less than 48'6". To the extent the pavement width, crown, and dimensions as set forth in the Application materials (see e.g., C601 and C602, L113, L114, L115, L116) vary from the minor street (or collector street) requirements, the Planning Board expressly waives such requirements (see §§ 445, 473.1, and 479), duly noting that the Village DPW, Fire Chief, and engineers (MRB) have expressly reviewed, modified and, in their final form and location, approved each such roadway, including its design, construction, and roadway geometry, dimensions, and locations. Moreover, the Village notes multiple traffic engineering studies concluding that the street layouts and parameters were sufficient, and that no adverse traffic or other impacts are expected or will result from such design and placement, and in this respect the Planning Board finds and again gives credibility and weight to the SRF Associates and the review thereof by Erdman Anthony. Accordingly, the Planning board finds that the roadways, in design and location, are adequate, safe, and benefit the Village by providing for less impervious surfaces and narrower pavement widths to promote traffic calming, etc. The Planning Board also expressly finds that neither this waiver, nor the scope hereof, nullifies, or has the effect of nullifying, any provision of the village's official map, Comprehensive Plan, or zoning laws, and that public health, safety, and welfare are not impaired thereby, including due to code and fire access compliance and the approval and review thereof by engineers, traffic engineers, fire chief and the DPW Superintendent. The Planning Board finds that these roadways, as designed, substantially and effectively serve the objectives of the standards so waived, including but not limited to the purposes of such parameters are set forth in § 490.2 as pertain to pavement width, shoulders, subgrade and crowns, slopes, curbing, base and subbase construction and depth, curves and curve radii at intersections, circle and loop road basics, and clear areas and shoulders.

b. Open Spaces, Parks & Recreation:

1. Generally: While this is not a planned development or a cluster subdivision, and while the Applicants did not use housing density bonuses from affordable housing rules to exceed general zoning density rules (and in fact, are well under the allowed maximum density for this site), considering open spaces and recreational or park-like amenities is a natural part of subdivision review. While there is no specific master park and pathway/recreation plan as may support an exaction or taking for these purposes, or the collection of any impact fee or fee *in lieu* of construction or dedication, the Planning Board none-the-less pursued plans and Project amendments to create open space, recreational areas, and thus expressly finds that the Project was designed to be a walkable community, adjacent to and close to the Village Center and Schools, with sidewalks, recreational trails, open spaces and community areas. Moreover, conditions stated below help ensure the non-disturbance or loss of, and the maintenance and improvement of, such open, public, and recreational spaces.
  2. Findings & Waivers: The total calculated area of such open and recreational spaces (excluding sidewalks) is approximately 2 acres, as shown on project site plans and subdivision plats in the Project Information, and to the extent that is arguable that such amount is less than what may be required, the Planning Board, pursuant to the authority it has to make these determinations and issue waivers (e.g., § 479, and express provisions of NYS Village Law), expressly finds: (i) the amount of open space and recreational or parkland-like space exceeds any required minimums for this Project; and (ii) to the extent it may not, given the overall project design, its walkable features, sidewalks, and provision of multiple affordable housing units, waives the further dedication or creation of open spaces as a condition of approval or review (though the Planning Board certainly encourages the enhancement and expansion of such existing and protected features of this Project). Further, the Planning Board expressly finds that the goals of parkland or open space reserves or requirements have been met in the design of this Project, and that the Project's plan serves the goals of such space set-asides and provisions, even though this is not a planned development area, a cluster subdivision, or a project that achieved increased density due to application of any one or more bonuses or benefits from affordable housing development and support.
- c. Blocks: The Planning Board expressly finds that blocks created, including due to new roadway intersections, expressly comply with the rule that blocks generally be between 400' and 1200' long, and that key intersections generally be at least 500' apart. To the extent such general regulations may be deemed or argued as specific, the Planning Board grants a waiver for the South Street intersection to allow such roadway to be within 480' of School House Road (even though school house road is a private educational entrance and not actually a public highway or Village street).
- d. Landscaping and Buffers: The Project landscaping and buffers have been the subject of substantial scrutiny, including but not limited to building and infrastructure relocation to create buffers and preserve existing trees and natural vegetation. Accordingly, to the extent that Village requirements mandate additional trees in parking areas, such requirements are hereby waived as the same are substantially met by the overall landscaping and buffering plan



implemented and enhanced in the two years of Project review, and as the preservation of mature trees and wetland areas provides greater enhancement of the environment than would younger, newer plantings.

2. Due to various minor and other changes in the subdivision platting and site plans, including updates as to building materials and changes in the prior plans based upon project changes and impact mitigations, including stormwater enhancements and changes since the original SEQRA/VEQR negative declaration was issued, including the variances and special permits issued and approved by the BZA and specifically also including each of the waivers above, and the Planning Board has again considered whether these changes and updates, individually or cumulatively, will create any new adverse impacts or affect any previously analyzed impacts such that there is a likelihood that any environmental or other impact requiring review under SEQRA/VEQR results, or has the potential to result in, any shift from a small to a moderate or significant impact. The Planning Board has re-examined Part 2 and Part 3 of the FEAF and, as set forth above, hereby finds and continues the negative declaration noting that changes as made enhance the Project, reduced impacts, and have not caused or required any need for a supplemental or new environmental review under SEQRA or VEQR. Specifically, the variances granted by the BZA allow for setback reductions which result in a better Project design with more buffering for neighboring properties, and reductions in parking requirements helped meet Project needs while increasing open areas and green spaces. Accordingly, no Project changes have significant adverse impacts that require rescission of the SEQRA/VEQR negative declaration.

3. Prior to construction beginning, and prior to any issuance of permits, a preconstruction meeting with Village Staff (CEO, Engineer, Zoning Officer, Planner, etc.), Developer, Contractors, and any utility providers is to occur. All other project meetings, whether safety, toolbox, or construction planning meetings, shall be the subject of specific notice to the Village Zoning Officer, and the Village may designate one or more representatives to attend such meetings to follow construction progress, implement inspections and required inspection schedules, address safety issues and construction complaints, and to maintain general communication with Applicants and their agents, as well as to keep the Village reasonably apprised of all issues as may affect these approvals and conditions, each and all of which may be discussed or enforced by the Village at any time, whether at or after such meeting(s) or otherwise.

4. The Preliminary Subdivision Plat, in its final form as submitted to this meeting as part of the Applications and Project Information, including final plats and site plans as submitted on July 10, 2019 and July 24, 2019, including the document entitled "Ithaca Neighborhood Housing Services & Sundial Property Development, LLC, Crescent Way, 46 South Street, Trumansburg, New York, Preliminary Site Plan and Subdivision Plan", dated March 16, 2019, and each of drawings and maps C101 through MF503, and the exhibits appended thereto, as supplemented upon said July 17 and 24, 2019, and each of their Exhibits, be and hereby is approved subject to each and all of the following conditions:

- a. Final Plat - Notations and Changes Required: In addition to statutes and subdivision requirements for final subdivision plats, the Applicants shall also attend to the following requirements and conditions:

1. The Final Plat shall specifically denote and mark the pathway area and open space in the entire northerly section of Lot 7 as open space and a "No Build" zone, in such manner and location(s) as reasonably approved by the Planning Board.
2. The Final Plat shall specifically denote and mark the green lawn and buffer areas on the southerly side of Lot 12 as a "No Build" zone, in such manner and location(s) as reasonably approved by the Planning Board.
3. The Lot 7 and Lot 12 No Build Zones are intended to refer to the building or installation of buildings or other significant permanent structures as reasonably determined by the Village Zoning Officer, which such improvements or future improvements are not permitted or allowed, but such demarcation and this condition do not prevent the installation of pathways, utilities and lighting, recreational and parkland facilities and amenities, necessary or desirable stormwater management facilities or ponds, picnic areas, tables, and pavilions, cooking boxes and contained fire pits, bird and bat boxes, recreational improvements, ball and other courts and playing surfaces, and like matters and improvements, each of which may be built, installed, and maintained in such areas. However, some permanent changes, such as ball courts and permanent surface improvements, as reasonably to be determined by the Zoning Officer, may require Village approvals or site plan amendments, pursuant to the conditions listed below.
4. The Final Plat shall specifically denote and mark Lot 7 and Lot 12 green spaces and open areas as available and open to general use and such areas shall be suitably graded and kept relatively level as to promote such use and future recreation.
5. The Final Plat shall specifically denote and mark all delineated wetland areas as "No Build, No Disturbance" zones and the Applicants shall monument the delineated boundaries of such wetlands on the ground, and other than as specifically set forth in the Site Plan as approved below, no disturbances of such wetland areas are allowed except to attend to and prevent flooding and the proper functioning of stormwater systems and the continued preservation and protection of such wetland areas. Materials and spacing of the monuments to delineate boundaries of such wetlands shall be determined at the reasonable discretion of the Zoning Officer.
6. All lots shall have the affordable housing units thereupon clearly marked, and each such lot shall be subjected to filed covenants and restrictions that run with the title to ensure that such units and improvements thereupon remain as affordable housing per Project Information submissions and Tompkins County affordability standards, as now written and hereafter periodically updated, for a minimum period of 5 years for for-sale units and 50 years for rental units, in a form as is reasonably approved by the Village.
7. The Final Plat shall specifically denote and mark as a site-wide condition affecting the entire plat that "No Future Subdivisions of any areas or lots are allowed or shall be applied for or approved."

8. Final approval shall demonstrate substantial compliance with any final comments issued thereupon by the Village's engineers (MRB), including the MRB reply letter, addressing the final preliminary plat and site plan submissions, as contained in the Project Information dated July 31, 2019.
- b. General Conditions: Many prior project conditions and changes resulting from the review of the Project, the Subdivision Plat, and the Site Plan and Project Information, as submitted, have resulted in many conditions being already emplaced and embedded in the written Project plans and Project Information. However, in addition to these conditions, the following conditions apply:
  1. Receiving approval from New York State Department of Environmental Conservation ("DEC") and the State and Tompkins County Health Departments (together, the "DOH") for the proposed sanitary sewer or septic treatment system servicing the Project, and the obtaining of Village DPW approvals for all sewer connections and final, as-built pipes and appurtenance prior to obtaining, each upon a building by building basis, prior to obtaining any certificates of occupancy for each such building. No certificates of compliance or occupancy shall be applied for or delivered until such permits and approvals are duly obtained, and such systems are tested and operational.
  2. Receiving all required design, installation, and water service approvals from any authority with jurisdiction, including but not limited to the Village DPW, including passing all inspections and pressure tests for such lines for service to each building prior to obtaining any certificates of occupancy for such building. No certificates of compliance or occupancy shall be applied for or delivered until such permits and approvals are duly obtained, and such system(s) is tested and operational.
  3. The construction, inspection, dedication, acceptance, and approval of all public highways and highway improvements depicted or noted upon the site plans and subdivision plats, including permits and approvals for all intersections, and testing and verification that all construction requirements and inspections have passed, and that all as-built and as-installed improvements substantially conform to approved Project plans, and no certificates of compliance or occupancy shall be applied for or delivered until such roadways are properly built, substantially complete, ready for dedication, safely passable by fire and emergency vehicles, and duly dedicated to the Village. At the election of the Village, the pavement top coat may be delayed for up to 6 months, or such other time as agreed between Applicants and Village DPW, to allow for settling and to protect any top coat from construction impacts. If roadways meet all such requirements and have passed all inspections but are not yet dedicated, the Village may issue temporary certificates or, if a completion bond or its equivalent remains in place, as reasonably determined by the Zoning Officer in his or her discretion, the formal dedication requirement will be waived in respect of issuance of such certificates (but not waived as a requirement of these approvals or any final approvals, if issued). Applicants shall be responsible to obtain all state and local road and highway work permits and approvals, and to abide by the conditions and requirements thereof.

4. Applicants shall install all required road signage and wayfaring signage as directed by the Village DPW or Zoning Officer, including in and about any roads and intersections. All signage shall meet NYSDOT requirements, including as may be set forth in the MUTCD. Applicants shall assure proper building labelling relative to trusses, fire access, and addresses, including with input and approvals from the applicable fire department, fire chiefs, and County 911.
- c. Stormwater: Prior to the issuance of building permits, the applicant shall apply for and obtain coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002, or latest revision thereof, through the submission of a Notice of Intent (NOI) to NYSDEC for their review and approval, and shall provide the NYSDEC Acknowledgement Letter to the Village and the eNOI submission as proof of coverage. All stormwater management facilities shall be constructed per the approved final plans and final SWPPP as part of phase 1, and prior to certificates of occupancy being granted. All stormwater improvements and conveyance, treatment, or management areas shall be built, installed, and managed in accordance with the Project's approved SWPPP and the terms and conditions of any NYS DEC SPDES permits, each and all of which shall be deemed minimum standards for purposes of this resolution. All changes to the SWPPP shall be required to be approved by the Village engineers, and approvals are subject to the completion and approval of a final SWPPP, the filing of a DEC NOI, and the proper issuance of a DEC SPDES general or other construction permits for the Project. In addition, Applicants and its contractors shall be required to submit soil testing results to the Village Engineer for their review and approval of the bioretention facility soil media, proving substantial compliance with the requirements of NYSDOT specification #208.01030022, bioretention and dry swale soil. This shall be completed prior to installation of the bioretention facilities. Applicants shall also be required to execute and file, prior to obtaining any building permits and as a land record at the Tompkins County Clerk's office affecting and in the chain of title for the lands of this subdivision, a stormwater operation, management, and reporting agreement (a "SOMRA") in a form as approved the Village counsel and the Planning Board, which SOMRA shall provide for continuous management, maintenance, repair of stormwater facilities and systems, and shall have enforcement provisions acceptable to and approved by the Village. In addition, and prior to issuance of the NOT (Notice of Termination) to NYSDEC terminating coverage under the SPDES Permit, a final inspection of the site is to occur with Village Staff and the Village Engineer, and approval by the Village is to be provided.
- d. Surety, Bond, or Irrevocable Letter of Credit: For Project Infrastructure (as defined below), Applicants shall supply a completion, performance, or surety bond, an irrevocable Letter of Credit ("LOC"), or cash Security in escrow pursuant to escrow terms approved by the Village (any and each of the foregoing, individually or in combination being the "Security"), in an amount 15% greater than the below-defined engineering calculation (such increase to cover contingencies, cost increases, and inspection fees). Applicants shall provide Security through a NYS licensed surety or insurer as reasonably approved by the Village. Applicants shall submit an estimate prepared by a New York State licensed engineer and sealed accordingly, as to the construction costs of all roadways, sidewalks, pathways and trails, public amenities, sidewalks, erosion and sediment controls, landscaping, public lighting, stormwater infrastructure, guide rail, and culverts (collectively "Project Infrastructure"), which calculation may be reviewed and

revised by the Planning Board or Zoning Officer based upon DPW, Village engineering input, or other sources as determined reliable by the Planning Board or Zoning Officer, and a final number shall be set forth by the Village as to the cost of such amenities and improvements as are to be dedicated. "Roadways" shall include all grading, lanes, curbs, culverts and related infrastructure, including sidewalks, walkways, and all utilities and appurtenances necessary to obtain certificates of occupancy. The Village shall be named as a beneficiary, payee, and covered party in any Security documents or instruments, and such Security shall provide for the completion of all aforesaid improvements, or funds to pay therefor. If the Security posted or provided is a LOC, such shall be written upon either UCG Uniform Letter of Credit Terms or ISP98 standards, require that transfer and use fees are not drawn from the LOC, provide that the LOC be drawn down by a simple demand process or a sight draft in reasonable form, and provide an evergreen clause to bridge any LOC term limits until the earlier of infrastructure completion or dedication of such improvements. All LOC terms shall include "as equivalents" as reasonably determined by the Village. As Applicants are entitled to terminate the Project, at Applicants' discretion, should the Project be deemed infeasible, for lack of funding or any other reason, the Applicants would be relieved of the requirement for submission of the Security and all other obligations related to this conditional approval. The Security shall not be required unless and until the Applicants secure funding approval to proceed with the Project.

- e. Lighting: All lighting shall: (i) comply with cut-sheet, diagrams, and submitted materials and diagrams, or equivalents; (ii) all luminaries and fixtures to be down cast, dark-sky compliant or equivalent fixtures that substantially comply with the lighting and photometrics plans (L103 and L019); and (iii) all lighting and lamp spectrum emissions shall be in the 2K-3K Kelvin range, featuring yellow and red-based perceptive illumination (lower frequency emissions). All materials that are proposed as equivalents shall bear appropriate IDA and spectrum ratings or otherwise be subject to the reasonable approval of the Code Enforcement Officer or Zoning Officer, including reviews at the time any building permit is applied for or any certificate of occupancy issued. The Project's market-rate lots' exterior lighting fixtures may be approved for down cast, dark-sky compliant or equivalent fixtures on a case-by-case basis at the time such market-rate lots are developed.

5. Preliminary Site Plan approval be and hereby is granted subject to each and all of the following special conditions:

- a. Trails and Sidewalks: The seasonal pathway on Lot 7 shall be lighted its entire length by low voltage or low intensity solar lighting, where feasible, to help assure safe travel in low-light conditions.
- b. Buildings, Locations and Layouts:
  - 1. No building shall be designed with a basement, but to the extent any future private homeowner may seek to install a basement: (i) such owner will be required to demonstrate that such basement or proposal will not impair groundwater, groundwater flows, or the proper functioning of stormwater facilities; (ii) such request or application, and such documents and proofs, may be subjected to a supplemental site plan review as set forth below; (iii) any impairment of groundwater or stormwater flows or management systems

shall be fully remediated in accordance with site-specific stormwater planning and improvements, each and all designed and sealed by a NYS-licensed engineer, approved by the Village, and subject to approval by permit or permit supplement by the DEC.

2. No basements or subterranean rooms or buildings shall be constructed or installed within any delineated wetland area, nor within 50' thereof, unless expressly now shown upon the final site plans and subdivision materials in the Project Information.
  3. All buildings shall substantially conform to the lot plans and architectural details submitted in the most recent site plans and Project Information, including the Market Rate Guidelines as specified on sheet A3. Any proposed dwelling or building that does not substantially comply with the siting requirements, architectural renderings, and material and finishing details (including color and construction materials lists and including the Market Rate Guidelines as specified on sheet A3), in the reasonable opinion of the Zoning Officer, may not be issued a Building Permit unless the changes or non-compliance are subjected to an individualized lot- or building-based site plan review to be conducted by the Village Planning Board.
  4. All building shall be designed to meet or exceed the state energy code and Tompkins County and Village energy guidelines, including through the use of energy efficient designs and materials the use of recycled and local materials, recyclable cementitious materials, modern lighting systems, and efficient heating, ventilation, and air conditioning systems to promote efficient energy use to minimize the Project's energy footprint. Energy efficiency and Energy Star appliances are required and passive and active solar radiative heating techniques shall be used where practical and possible to reduce energy demands. All buildings and residences shall emphasize and promote, where possible, the use of heat pumps, solar electricity and renewable energy sourcing, and the use of local or recycled/recyclable materials.
  5. Within approved setbacks and yardage requirements for this Project's market rate lots, neighboring buildings shall be staggered in their setbacks from road lines to avoid a uniform appearance or row, but such requirement may be waived upon a case-by-case basis by the Zoning Officer to address particular, lot-specific concerns, such as housing or driveway design, impervious surfaces, or accessibility.
  6. All rooflines shall be kept as clean and level as possible in accordance with village zoning requirements, with exceptions for venting, chimneys, OTARD devices (antennae and cable/data reception and transmission facilities), and solar installations.
- c. Landscaping and Buffers: All final submitted landscaping shall be built and maintained by Applicant, except that any landscaping within the public rights of way shall be maintained by the Village, where and as depicted in the Project Information and related site plan renderings and mappings, and no certificate of occupancy or compliance may be issued for any building or dwelling until the landscaping and buffering is installed in substantial compliance with the approved Applications and site plans. No waivers for landscaping or buffering shall be permitted. Further, all existing and all installed vegetative landscaping and buffers (including

as shown on the updated site plans in the Project Information, described above) shall be maintained as healthy and natural non-invasive vegetation designed to provide both visual and sound buffering. Existing and any new vegetation shall be properly maintained and any dead, diseased, or dying trees or plants shall be promptly replaced, and any tree or plants that, whether singularly or in combination, due to lack of growth, death, recession, disease or other cause, cease to function as buffers shall be replaced in a manner as promotes the goal of such buffer. In addition, all trees specifically identified for Runoff Reduction Volume (RRv) credit in the Stormwater Pollution Prevention Plan may only be replaced in kind or with a specie listed in the most current version of the NYSDEC Stormwater Management Design Manual (SWMDM) and shall have a typical mature canopy area greater than or equal to the typical canopy area of the tree being replaced. These landscaping conditions shall be in addition to, and not *in lieu of*, any related requirements in Village zoning or subdivision requirements.

- d. Affordable Housing Requirements: In addition to any conditions or requirements already in the Project Information and Applications, or as may be set forth above as a subdivision condition, Applicant INHS shall annually file with the Village Board of Trustees a report that verifies that all affordable rental housing units remain affordable housing units and are managed as such in accordance with the Project Information, the then applicable affordable housing guidelines of Tompkins County and New York State, as based on median and other applicable housing values and costs. Any report submitted to NYS grant agencies or the Departments of Housing or Housing and Community Renewal, or their successors, designees, or related agencies serving the statutory and regulatory affordable housing benefits and programs of the State of New York suffice if the same specifically pertain to the specific affordable units in this Project, and are not just general grant or compliance reports.
- e. Signage: In addition to signage requirements for roadway and building identification signs as set forth above, no large or commercial-type signs shall be installed or deployed around the Project without, in each case, a site plan amendment for the same. The Village Zoning Officer shall have the discretion to determine when a sign is too large, for commercial purposes, or goes beyond the scope of allowed roadway or building signage, or shall otherwise be required to undergo site plan review. However, this provision shall not prohibit wayfaring signage (e.g., marking a path or providing directions to an on- or off-site feature or facility) of standard size (e.g., akin to road name signs, or smaller), nor prohibit traditional temporary signage regarding construction, leasing, political speech, or emergencies; nor shall this rule apply to any governmental sign or any sign required to be emplaced or installed by the Village.
- f. Final Site Plans: Pursuant to Village zoning § 812.5, and within 180 days of the date on which this preliminary site plan approval is filed with the Village Clerk, the Applicants shall submit a final, detailed site plan to the Zoning Officer for verification before a building permit will be issued. The final detailed site plan shall conform to the site plan hereby approved, and should clearly indicate the incorporation of any conditions or modifications as required herein. The final detailed site plan must be accompanied by: (i) the record of any application for and approvals of all necessary permits from federal, state, and county officials; (ii) any changes or additions in sizing and final materials specification of all required improvements; and (iii) an estimated Project construction schedule. The final detailed site plan must be reviewed and approved by the Village Engineer to ensure that all comments in the Engineering Letter have



been adequately addressed, and such approval shall be demonstrated by the consultant's signature or stamp on a copy of the final site plan and related supporting documents, which shall be forwarded to and filed with the Zoning Officer.

6. All construction shall be conducted only between 7 am and 6 pm, Mondays through Saturdays (but not upon any federal holidays), and all noise laws and rules shall be adhered to. Any noise anticipated to be over 90dB at the boundary of the Project site (other than usual vehicle noise at time of delivery) shall be mitigated by baffling, reduction in energy use, reduction in tool or machinery sizes, and other mitigation measures, each and all as are or may be necessary to try to minimize such noise.

7. Once ground is opened or disturbed, or construction of any building or improvement is commenced, the Applicants and their agents shall: (i) diligently pursue and complete such construction as expeditiously as possible, with construction activities to be reasonably scaled to seasonality; and (ii) all erosion and sediment controls as required by the approved final plans and approved final SWPPP, and any subsequent SWPPP modifications necessary to maintain water quality standards and/or prevent prohibited discharges, including in compliance and accordance with the most current requirements and standards set forth by NYSDEC, US EPA, and the General Permit, shall be maintained and all soils preserved and kept stabilized. All best construction management practices and EPA and DEC Phase 2 Stormwater laws, regulations, and rules shall be adhered to including, without limitation, any DEC SPDES permit conditions, approved SWPPP requirements, and Village Stormwater requirements.

8. As-Built Surveys and Diagrams: Promptly after completion of any Project Infrastructure and prior to dedication of any Project Infrastructure to the Village, the Applicant shall provide as-built drawings certified by a land surveyor licensed in NYS. Said drawings shall include all roadways (including slopes, spot elevations, and curve tables), sidewalk, water main and appurtenances, water services including curb stop and corp. stop locations, sanitary and storm sewer mains (size, material, inverts, and slopes) and laterals including cleanout locations, sanitary and storm manholes (including elevations and sizes), light pole locations, all stormwater management practices/infrastructure shall include as-built contour lines and spot elevations, inverts and extents of all spillways, extents of all normal water elevations, extents of all filter soil medias, underdrain sizes and locations, detailed outlet control structure orifice sizes and inverts. Further, the as-built information for the SWMF shall include a detailed table which shows the surface area, cumulative volume, and 1' interval volume of the SWMF in 1' elevation intervals from the lowest elevation of the SWMF to the top of embankment. Prior to dedication of any roadways or utility infrastructure, all surveys shall be sealed and labelled clearly as as-built surveys, and shall also show all utility layouts and installations, including elevations, as well as all roadways, including paved surfaces of the same, and all monuments demarking roadways, lots, and other features as required under the Village zoning and subdivision rules and codes.

9. Inspections: The Village and its officers and agents may periodically inspect, with or without notice, the Project during all phases of construction, to assure compliance with approvals and project permits.

10. Maintenance Guarantee: A written agreement for a one-year maintenance guarantee by Applicants on all public infrastructure (including landscaping), with roadways to be measured from the date of final top-coating, shall be signed and approved by Applicants and the Village as a condition of final site plan or final subdivision plat approval.

11. Enforcement: The conditions and requirements of these preliminary approvals shall be enforceable pursuant to law, and any violation of these requirements, or any condition herein, shall be deemed a violation of Village laws and codes and may be enforced as such. In addition, the Village may enforce any requirement of condition hereof under NYS and Village laws pertaining to code enforcement and property maintenance, fire, and safety codes, including by suspending permits, approvals, certificates, and including rescinding, amending, or revoking the same. In all cases the election or pursuit of any one remedy by the Village, whether civil or criminal, legal or equitable, shall not preclude the simultaneous or later enforcement or pursuit of any other remedy by the Village, and this condition shall be in addition to, and not in limitation or *in lieu* of, any other law, right, or remedy of the Village.

12. A copy of this Resolution be delivered to County Planning as a report upon final action as required by GML § 239-m(d)(6).

The question of the adoption of the foregoing resolutions was offered by Planning Board Member Geiger and seconded by Planning Board Member Ullberg at a meeting of the Planning Board held upon October 24, 2019. Following discussion thereupon, the following roll call vote was taken and recorded:

Hannah Carver-	Aye
Richard Geiger-	Aye
Jessica Giles-	Aye
Victoria Romanoff-	Abstain
John Ullberg-	Aye

# Exhibit A

Project Information specifically includes, but is not exclusively limited to the following submissions and documents:

- (1) A Part 1 of the full EAF dated December 13, 2017, as revised on September 4, 2018, and as further updated by Applicants' April 18 2019 supplemental submission to the Planning Board;
- (2) Part 2 of a Full EAF, dated September 27, 2018, and Part 3 of the EAF, and Planning Board Resolution #18-1025, dated October 25, 2018;
- (3) An Application for Site Plan Review, submitted by Applicants and dated December 14, 2017, and the exhibits attached thereto: Exhibit A: Aerial Map, Exhibit B: Site Survey, Exhibit C: Detailed Site Plan/Preliminary Plat, Exhibit D: Parts I & II of the EAF, Exhibit E: Civil Engineering Plans, Exhibit F: Landscaping Plan, Exhibit G: Site Lighting and Signage Plan, Exhibit H: Building Elevations, Exhibit I: Color Photographs of the Site, Exhibit J: Project Renderings, Exhibit K: Evidence of Site Control/Deeds, Exhibit L: Estimated Project Construction Schedule, Exhibit M: List Identifying Any Other Necessary Permits, Exhibit N: Stormwater System Calculations, Exhibit O: Narrative of Consistency With Comprehensive Plan/Zoning, Exhibit P: Community Engagement and Outreach Materials, Exhibit Q: Traffic Impact Study, Exhibit R: Wetland Delineation, Exhibit S: Phase I/II Environmental Site Assessment Summaries, Exhibit T: Soil Boring/Geotechnical Report, Exhibit U: Letters from Water/Sewer/Fire/School District, Exhibit V: Flora/Fauna Study, Exhibit W: SHPO Letter of No Impact, Exhibit X: Community Letters of Support, Exhibit Y: Case Study Summaries, Exhibit Z: Projected Number of Residents, and Exhibit AA: Precedent Architectural Images;
- (4) an Application for Preliminary Major Subdivision Review, submitted by Applicants and dated December 14, 2017, and the exhibits attached thereto: Exhibit A: Subdivision Application Form, Exhibit B: Preliminary Plat, Exhibit C: Aerial Map, and Exhibit D: Subdivision Review Compliance Checklist;
- (5) Letter from Trumansburg Neighbors Alliance to the Village Board of Trustees, dated January 8, 2018;
- (6) Letter to Planning Board from Bond, Schoeneck & King on behalf of Trumansburg Neighbors Alliance, dated February 20, 2018;
- (7) Supplemental Information - Response to Comments from MRB Group and Comments from Village Planning Board, submitted by Applicants and dated March 15, 2018, and the exhibits attached thereto: Exhibit A: Cover Sheet, Exhibit B: Site Plan & Preliminary Plat, Exhibit C: Correspondence from Army Corps of Engineers, Exhibit D: Civil Engineering Plans, Exhibit E: Landscaping Plan, Exhibit F: Lighting Plan, Exhibit G: Revised Drainage Report, Exhibit H: Photographs of "No Mow" Lawn, and Exhibit I: Enlarged Road Plans;
- (8) Letter to Guy Krogh-Response to Opposition Letter from Trumansburg Neighbors Alliance, submitted by Applicants and dated April 20, 2018;

(9) Letter to the Planning Board, submitted by Bond, Schoeneck & King on behalf of Trumansburg Neighbors Alliance, dated May 24, 2018, and the exhibits attached thereto;

(10) Response to Comments from May 24th Public Hearing, submitted by Applicants and dated June 27, 2018, and the exhibits attached thereto: Exhibit A: Letter from SRF Associates, Exhibit B: Lighting Information and Photometric Study, Exhibit C: Autoturn Diagrams, Exhibit D: Letters from Water/Sewer/Fire/School District, and Exhibit E: Construction Mitigation Plan;

(11) a Response to the May 24, 2018 Opposition Letter from Bond, Schoeneck & King on behalf of the Trumansburg Neighbors Alliance, submitted by Applicants and dated June 27, 2018, and the exhibits attached thereto: Exhibit A: 46 South Street SEQRA Lead Agency Package, Exhibit B: April 20, 2018 Phillips Lytle Response to TBNA Opposition Letter from Bond, Schoeneck & King, Exhibit C: List of Residential/Mixed Use and Other Projects throughout State which Recently Received Negative Declarations, Exhibit D: Respondents Brief in *Casino Free Tyre v. Town Bd. of Town of Tyre*, Prepared by Bond, Schoeneck & King and other co-counsel, and Exhibit E: Letters from Water/Sewer/Fire/School District;

(12) Response to April 18, 2018 Comments from MRB Group, submitted by Applicants and dated June, 28, 2018, and the exhibits attached thereto: Exhibit A: Cover Sheet, Exhibit B: Revised Site Plan & Preliminary Plat, Exhibit C: Correspondence from ACOE, Exhibit D: Revised Civil Engineering Plans, Exhibit E: Revised Landscaping Plan, Exhibit F: Lighting Plan & Photometric Study, Exhibit G: Revised Drainage Report, and Exhibit H: Enlarged Road Plans;

(13) Economic and Fiscal Impact Analysis: 46 South Street, dated May 2018, prepared for Village of Trumansburg by Camoin Associates;

(14) A supplemental submission to the Planning Board by the Applicants, dated November 13, 2018, and the exhibits attached thereto: Exhibit A: Cover Sheet, Exhibit B: Site Plan & Preliminary Plat, Exhibit C: Illustrative Site Plan, Exhibit D: August 2017 Site Plan, Exhibit E: Landscaping Plan, Exhibit F: Road Access Diagrams, Exhibit G: Autoturn Diagrams, Exhibit H: Architectural Renderings;

(15) A supplemental submission to the Planning Board by Applicants, dated January 24, 2019, addressing road access and Applicants' agreement to purchase 50 South Street, and the exhibits attached thereto: Exhibit A: Diagram of Alternative Site Access, Exhibit B: Diagram of Previously Proposed Site Access;

(16) A supplemental submission to the Planning Board by Applicants, dated February 21, 2019, and the exhibits attached thereto: Exhibit A: Revised Concept Site Plans dated February 18, 2019, Exhibit B: 50 South Street Letter of Authorization, Exhibit C: Revised South Street Access Enlargement Plan, Exhibit D: Revised Nursery School Enlargement Plan, Exhibit E: Architectural Renderings for Models of Affordable For Sale Townhomes, Exhibit F: Architectural Renderings for Affordable Rental Townhomes, Exhibit G: Architectural Renderings for Apartment Building, Exhibit H: Interior Floor Plans for Apartment Building, Exhibit I: Interior Floor Plans for Apartment Building;

(17) a supplemental submission to the Planning Board by the Applicants, dated April 18, 2019, and the exhibits attached thereto: Exhibit A: Revised Concept Site Plan dated April 18, 2019, Exhibit B: Applicants' Design Engineer's Responses to MRB's August 22, 2018 Comments, Exhibit C: Full Environmental Assessment Form to reflect Project Changes;

(18) a supplemental submission to the Planning Board by Applicants, dated May 6, 2019, and the exhibits attached thereto: Exhibit A: April 26, 2019 E-Mail Correspondence to MRB Group, Exhibit B: Preliminary Stormwater Calculations revised April 26, 2019, Exhibit C: Stormwater sheets C-103, C-104, C-501 as revised April 26, 2019;

(19) a supplemental submission to the Planning Board by Applicants, dated July 10, 2019, and the exhibits attached thereto: Exhibit A: Revised Site Plans and Preliminary Plat dated July 10, 2019, Exhibit B: Architectural Materials for Multi-Family Building, Exhibit C: Architectural Materials for Affordable Rental Townhomes, Exhibit D: Architectural Materials for Trumansburg Community Nursery School, Exhibit E: Applicants' Design Engineer's Responses to MRB Group's May 15, 2019 Comments, Exhibit F: Stormwater Calculations Revised July 10, 2019;

(20) a supplemental submission to the Planning Board by Applicants, dated July 17, 2019, and the exhibits attached thereto: Exhibit A: Architectural Materials for Affordable For Sale Townhomes, Exhibit B: Architectural Materials for Market Rate Dwelling Units, Exhibit C: Revised Cover Sheet for Project Site Plans & Preliminary Plat;

(21) a supplemental submission to the Planning Board by Applicants, dated July 24, 2019, and the exhibits attached thereto: Exhibit A: Applicants' Design Engineer's Responses to MRB Group's July 17, 2019 Comments, Exhibit B: Revised Architectural Materials for Market Rate Dwelling Units, Exhibit C: Revised Architectural Materials for Affordable For Sale Townhomes, Exhibit D: Revised Architectural Materials for Trumansburg Community Nursery School, Exhibit E: Revised Architectural Materials for Multi-Family Building, Exhibit F: Revised Architectural Materials for Affordable Rental Townhomes, Exhibit G: Revised Detail Sheets C201, C202, C203, Exhibit H: Stormwater Calculations Revised July 23, 2019;

(22) Objection Letter to the Planning Board, submitted by Bond, Schoeneck & King on behalf of Trumansburg Neighbors Alliance, dated August 29, 2019;

(23) Letter to the Planning Board from the Applicants, dated September 27, 2019 responding to Bond, Schoeneck & King's August 29, 2019 objection letter:

(24) Comments and input from the Planning Board's engineering consultant and team of experts, including MRB's comments on the Project dated February 19, 2018, April 18, 2018, August 22, 2018, May 15, 2019, July 27, 2019, and July 31, 2019; and

(25) Other relevant environmental information, including but not limited to traffic studies, fiscal impact studies, supplemental environmental and related mappings, SHPO and endangered/protected species mappings, including Part 182 and whether incidental take permitting was required, Project information, and extensive public comment, both written and verbal.

Collectively 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 shall be sometimes referred individually, severally, and collectively as “**Project Information**”).





February 25, 2020

Ms. Jessica Giles  
Planning Board Chair  
Village of Trumansburg  
56 East Main Street  
Trumansburg, New York 14886

**RE: CRESCENT WAY (FORMERLY 46 SOUTH STREET)  
FINAL SITE PLAN AND SUBDIVISION REVIEW  
PROJECT DETAILS & FINAL STORMWATER CALCULATIONS  
MRB PROJECT NO. 2040.17002.000 – PHASE 05**

Dear Ms. Jessica Giles:

MRB Group has completed a review of the Final Subdivision Plat dated February 14, 2020, prepared by T.G. Miller P.C. We offer the following final comments for consideration by the Planning Board. A brief written response to each comment should be provided by design engineer.

**FINAL SUBDIVISION PLAT**

1. Plat approval signature lines should be provided.
2. All utility easements should be revised to reflect the type of utility being covered by the easement (i.e. watermain, sanitary sewer, etc.).
3. All easements should include an identification number.
4. A stormwater maintenance easement may need to be provided for stormwater practices located outside of the right of way.
5. Easement and right of way descriptions are to be provided to MRB Group and the Village Attorney for review and approval. Metes and bounds descriptions for all easements and right of ways will be required to be provided for review, and approved and filed prior to the issuance of the first certificate of occupancy.
6. The attached monument detail is to be added to the plan set. Concrete monuments per the attached detail should be provided on both sides of the right of way at the following locations: at the intersection of Pennsylvania Avenue and Crescent Way, at the intersection of South Street and Crescent Way, and at both dead ends of Crescent Way (southern end of line L2 and L3, and at both ends of line L7).



Please feel free to contact our office with any comments or questions you may have in this regard. Thank you,

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lance S. Brabant".

Lance S. Brabant, CPESC  
Director of Planning & Environmental Services

C Rordan Hart, Mayor  
Guy Krogh, Esq., Village Attorney  
Planning Board Members  
Tom Myers, Code Enforcement Officer  
Dustin VanDerzee, Department of Public Works Supervisor

## STORMWATER OPERATION, MANAGEMENT, AND REPORTING AGREEMENT

**THIS AGREEMENT** is effective this \_\_\_ day of \_\_\_\_\_, by and between the **Village of Trumansburg** a municipal corporation with offices at 56 E. Main St. (the "Village"), and **Ithaca Neighborhood Housing Services, a non-profit organization**, with offices at 115 West Clinton Street, Ithaca, NY 14850 (the "Owner").

WITNESSETH:

WHEREAS, the Owner received final subdivision plat approval for the Crescent Way Subdivision (the "Approval") from the Village's Planning Board by resolution number \_\_\_\_\_, dated \_\_\_\_\_, on tax parcels 9.-1-2, 8.-3-2.2 & 9.-1-4, located at 46 South Street in the Village of Trumansburg Tompkins County, New York; and

WHEREAS, such Approval was granted conditional upon the construction and maintenance of the approved stormwater facilities, submission of an annual stormwater inspection report, and an agreement with the Village regarding the same;

NOW, THEREFORE, in consideration of the granting of the Approval and in furtherance of the public purposes of providing adequate stormwater retention and maintenance, the parties agree as follows:

1. Construction of Facilities. The Owner agrees to construct all of the stormwater management facilities, erosion control facilities and storm drainage facilities (collectively referred to as the "Facilities") shown on the final plans which are part of the Approval, copies of which are on file in the Village of Trumansburg offices. Without limiting the foregoing, the Owner agrees to construct, at its expense:

(a) The stormwater wetland facility, two bioretention basins, below-ground detention, and a hydrodynamic separator, which shall be constructed and located in accordance with the Stormwater Pollution Prevention Plan, dated February 21, 2020 and last revised \_\_\_\_\_, prepared by T.G. Miller, P.C. (referred to in this Agreement as the "Drawings"); and

(b) All other Facilities, including pipes, mains, drains, outlet and inlet structures, manholes, and all other drainage-related facilities and structures, whether above or below grade, which shall be located substantially as shown on the Drawings; and

All of such Facilities shall be constructed as shown on the Drawings, in accordance with good engineering practice and applicable New York State standards and specifications, and to the reasonable satisfaction of the Village Engineer.

2. Inspection, Maintenance and Repair of Facilities. With the exception of the below ground detention system, hydrodynamic separator, and all associated structures and piping that lie within the public right-of-way, and will be dedicated to the Village, the Owner agrees for itself, its legal representatives, successors and assigns and any other persons or entities who obtain title to any portion of the properties on which any of the Facilities are located, to operate, maintain and repair the Facilities to insure that the Facilities continue to function for their intended purpose and as designed. In furtherance of such obligation, and without limiting the obligations set forth in the preceding sentence, the Owner agrees to follow the maintenance plan for regular and recurring inspections and maintenance of the Facilities which is part of the Approval and is set forth in the Stormwater Pollution Prevention Plan, dated February 21, 2020 and last revised \_\_\_\_\_, prepared by T.G. Miller P.C. In addition, the Owner shall perform such other inspections, maintenance and repair as may be reasonably required by the Village Engineer in order to assure the continued operation of the Facilities as intended and designed. The Owner, at its own expense, shall perform all of the foregoing inspections, maintenance and repair and any other inspections, maintenance and repair reasonably necessary to keep all Facilities functioning in a good and workmanlike manner.

3. Village Inspections and Repair. The Owner shall grant to the Village the permanent easement and right-of-way which is attached to this Agreement as Exhibit A. The Owner agrees the Village may enter upon the property described in Exhibit A, or any portion thereof, for the purposes of observing and inspecting the Facilities at any time and from time to time as may be deemed appropriate, necessary or desirable by the Village, the Village Engineer, or other officers or employees of the Village, and to make repairs to the Facilities as set forth below. If maintenance deficiencies are found as a result of such

inspections, the Village Engineer will notify the Owner in writing, and the Owner shall cause needed repairs to be made within the number of days set forth in such notice. If the Owner fails to complete the repairs to the satisfaction of the Village Engineer within the required period, the Village reserves the right (but does not have the obligation) to have the repairs made and will charge the Owner for the reasonable cost of such repairs. The Owner agrees to pay the reasonable cost for such repairs within 10 days after demand for same. Notwithstanding the foregoing, if an emergency exists requiring immediate action, the Owner hereby authorizes the Village, its officers, agents, contractors and employees, to enter upon the property and effect emergency repairs to any portion of the Facilities in the event of a threat to the safety of the Facilities or properties adjacent to or downstream of any portion of the Facilities, with the reasonable cost of such repairs to be reimbursed by the Owner to the Village within 10 days of demand for same. When any portion of any Facility is located off-site or on the property of a third party, the Owner, at its sole cost and expense, shall obtain easements and rights-of-way thereto acceptable to the Village.

4. Contest of Bills. In the event the Village makes repairs and issues a demand for reimbursement, and the Owner disputes either the need for the repairs or the cost of the repairs, the Owner, in lieu of paying the amount demanded shall, within 10 days of receipt of the demand, deliver to the Village Clerk at the Village offices a Notice of Contest stating that the need for the repairs, or cost, or both, is in dispute and concisely stating the basis for the dispute. Failure to serve such a Notice of Contest shall be deemed a waiver of any claim or defense that the amount demanded is not justified. If the Notice of Contest is timely filed, the Village shall, within forty-five days of the filing, arrange for a hearing before the Village Board which, based upon any relevant materials presented by the Village Engineer and the Owner, shall issue a resolution determining the dispute within 10 days after the hearing. Such resolution shall be filed with the Village Clerk, who shall arrange for delivery of a copy of the resolution to the Owner, within five days after such filing, at the address for such Owner set forth at the outset of this Agreement or at such other address as the Owner may designate in writing to the Village Clerk and Village Engineer. If the Owner disagrees with the resolution, it may bring a proceeding pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York, provided such proceeding is commenced within 30 days of the filing with the Village Clerk of the decision of the Village Board. The Owner agrees to the shortened statute of limitations of 30 days within which it must assert its claims in any Article 78 proceeding. Failure to timely institute such a proceeding shall be deemed an agreement with the decision of the Board.

5. Addition to Taxes. In the event the Village makes repairs and the Owner fails to reimburse the Village for the cost of said repairs within 10 days after the demand for same, or, if contested by the proceedings set forth above, fails to so reimburse within 30 days of the filing of the final decision on the contest determining the amount due to the Village, then such unpaid costs, expenses and interest at the per annum rate of 9% incurred from the date of repair shall constitute a lien upon the land on which the Facilities are located. The Village may bring a legal action or proceeding to collect such costs, expenses, interest, and recoverable attorney's fees, or to foreclose such lien. As an alternative to the maintenance of any such action, the Village may file a certificate with the Tompkins County Department of Assessment stating the costs and expenses incurred and interest accruing as aforesaid, together with a statement identifying the property and Owner so that the Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs, expenses and interest upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Village of Trumansburg. The Owner agrees that the assessment of such costs, expenses and interest shall be effective even if the property would otherwise be exempt from real estate taxation. In any action or proceeding brought hereunder, the prevailing party shall be entitled to recovery from the other party of its reasonable costs in prosecuting or defending any action, including reasonable attorneys' fees. The prevailing party shall be determined by the court determining the matter. "Prevailing party" shall mean a party which is awarded all or substantially all of the relief demanded by such party.

6. Annual Inspection Report. The Owner shall submit an annual stormwater inspection report to the Village Engineer on or before the first day of October of each year, with the first report being submitted the first October following the completion of all permanent practices and final stabilization of the site. Such reports shall, at a minimum, include the location of the property, Owner's contact information, a summary of completed inspections and results of such inspections, and a summary of any maintenance activities or corrective actions undertaken. Annual reports shall be signed by the Owner or other legally responsible party, and shall attest to the accuracy of the information provided in the report. Failure to submit the annual reports, or the submission of inaccurate reports, shall constitute a condition of non-compliance with

the site plan/subdivision Approval and be subject to enforcement as outlined below.

7. Alterations and Discontinuation of Facilities. The Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Facilities except in accordance with written approval of the Village and pursuant to any applicable requirements for modification of site plans/subdivision approvals.

8. Additional Requirements. The Owner shall comply with all Village stormwater operation, maintenance or reporting local laws, ordinances and regulations as they now exist or are hereafter added or amended.

9. Recording. This Agreement shall be recorded in the office of the Tompkins County Clerk and when recorded shall be referenced to the deeds for tax parcel \_\_\_\_\_. The costs of recording and referencing to affected deeds and parcels of land shall be the responsibility of the Owner.

10. Binding Effect and Enforcement.

(a) The Owner, its legal representatives, successors and assigns, and any other persons or entities who obtain title to any portion of the properties on which any of the Facilities are located shall be bound by the terms of this Agreement. The Owner shall execute whatever documents are necessary to make this Agreement binding on any persons or entities who obtain title to any portion of the properties on which any of the Facilities are located.

(b) Failure to comply with any of the requirements of this Agreement shall, without limiting the remedies otherwise available to the Village, constitute a condition of non-compliance with the site plan/subdivision Approval, shall be deemed a violation of the Village's Zoning Ordinance, and shall be subject to enforcement as outlined in applicable Village laws or ordinances, Section 382 of the Executive Law, and Section 268 of the Village Law.

11. Representation as to Authority. Each of the persons executing this Agreement on behalf of the parties represents that he or she has full authority to execute the same on behalf of his or her party, and that by his or her execution, the party for which he or she is executing this Agreement is fully bound by its terms.

12. Limitation upon Village Liability and Indemnity. The Village shall not be liable or responsible for any injury to persons or damage to property due to the Village's actions, or failures to act, under or pursuant to this Agreement, unless it is proven to a reasonable degree of certainty that such injury or damage was caused by a reckless or intentional wrongful act of the Village or, where the Owner is not in breach of this Agreement and no emergency situation exists, by the Village's negligence. The Owner agrees to indemnify and hold harmless the Village and its employees, agents, subcontractors and consultants for all damages, losses and claims that arise out of the Owner's and/or Village's actions or failures to act under or pursuant to this Agreement, except this indemnification shall not extend to the proportion of damages, losses and claims caused by a reckless or intentional wrongful act of the Village or, where Owner is not in breach of this Agreement and no emergency situation exists, by the Village's negligence. Such indemnity shall include the costs of defending any action of this kind, including reasonable attorney fees, expert fees, and other litigation costs.

13. Waivers. Where the Village Board finds that, due to the special circumstances of a particular case, a waiver of certain requirements in this Agreement is justified, a waiver may be granted. In all cases, no waiver shall be granted unless the Village Board finds and records in its minutes that: (1) granting the waiver would be in keeping with the intent and spirit of this Agreement, and is in the best interests of the community; (2) there is no adverse effect upon the character, appearance, or welfare of the neighborhood and any watercourses, watersheds, or surface waters; (3) there are special circumstances involved in the particular case; (4) denying the waiver would result in undue hardship, provided that such hardship has not been self-imposed; and (5) the waiver is the minimum necessary degree of variation from the requirements of this Agreement.

14. Severability. In the event that any portion of this Agreement is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year first above written.

**VILLAGE OF TRUMANSBURG**

By: \_\_\_\_\_

\_\_\_\_\_, Mayor

Date: \_\_\_\_\_

OWNER

By: \_\_\_\_\_

\_\_\_\_\_, Executive Director

Date: \_\_\_\_\_

STATE OF NEW YORK :  
COUNTY OF TOMPKINS : ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK :  
COUNTY OF TOMPKINS : ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**PERMANENT STORMWATER ACCESS  
EASEMENTS AND RIGHTS-OF-WAY**

**THIS INDENTURE** is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the **Village of Trumansburg** a municipal corporation with offices at 56 E. Main St. (the "Village"), **Ithaca Neighborhood Housing Services**, a non-profit organization, with offices at 115 West Clinton Street, Ithaca, NY 14850 ("INHS") and **[insert entity owning property at time of easement recording]** with offices \_\_\_\_\_ (the "Grantor").

The Grantor is the owner of a certain parcel of land of \_\_\_\_ acres, identified as tax parcel numbers \_\_\_\_\_ located in the Village of Trumansburg, Tompkins County, New York.

**NOW WITNESSETH**, that the Grantor, in consideration of One and 00/100 Dollar (\$1.00) and other good and valuable consideration paid by the Village and INHS, the receipt and sufficiency of which are hereby acknowledged by the Grantor, INHS and the Village, does hereby grant, remise, relinquish and release unto INHS its successors and assigns forever and the Village, its successors and assigns forever, a non-exclusive EASEMENT and RIGHT-OF-WAY to enter upon the property described below, or any portion thereof, for the purposes of observing and inspecting the stormwater management facilities, erosion control facilities and storm drainage facilities (collectively referred to as the "Facilities") shown on the final approved plans at any time and from time to time as may be deemed appropriate, necessary or desirable by the Village, the Village Engineer, or other officers or employees of the Village, and to maintain and make repairs to the Facilities as set forth. in the **STORMWATER OPERATION, MANAGEMENT, AND REPORTING AGREEMENT** dated \_\_\_\_\_, 202\_\_.

Enter metes and bounds descriptions for easement areas on Lots 1 & 2 and metes and bounds description for all of Lot 12.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year first above written.

**VILLAGE OF TRUMANSBURG**

By: \_\_\_\_\_

\_\_\_\_\_, Mayor

Date: \_\_\_\_\_

**OWNER**

By: \_\_\_\_\_

\_\_\_\_\_, Executive Director

Date: \_\_\_\_\_

STATE OF NEW YORK :

COUNTY OF TOMPKINS : ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK :

COUNTY OF TOMPKINS : ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public





Village of Trumansburg  
Zoning and Building Code Enforcement  
56 E Main St  
Trumansburg, NY 14886  
607-387-6501  
Fax 607-387-5806

[codeenforcement@trumansburg-ny.gov](mailto:codeenforcement@trumansburg-ny.gov)

March 4, 2020

Letter to file:

I have reviewed the Final Subdivision Plat submitted on behalf of Ithaca Neighborhood Housing Services (INHS) and Sundial Properties as dated 2/14/2020. Subject to any final review and comments from the Village engineering consultants and DPW, as well as a review thereof by the Planning Board, I have found and determined that:

1. The Final Subdivision Plat maintains the same roadway and lot lines as approved in the preliminary plat approval.
2. The applicants have materially implemented those conditions capable of satisfaction at this time, including but not limited to the conditions listed in paragraph 4(a) of the preliminary plat approval, and several map and detail updates per the engineer's request.
3. The conditions set forth in paragraphs 3 and 4(b-e) are generally continuing conditions that will be carried forward in some form in the Final Plat Approval, subject in each case to the determinations of the Planning Board.

Therefore, I conclude that the Final Subdivision Plat, per section 442, is in substantial agreement with the preliminary plat approved per section 436 (and related provisions of the subdivision law) and thus recommend approval of the Final Subdivision Plat, subject to:

- A. Such continuing conditions as may be required or imposed by the Planning Board pertaining to the above conditions, the bond, placing of monuments, submission of as-built surveys, permit compliance relative to DOH and DEC, and like matters; and
- B. This letter constitutes only findings of the Zoning Officer and is subject in all cases to input from engineers, DPW, and the final findings and determinations of the Village Planning Board.



Tom Myers  
Building Code & Zoning Officer

CC: Tammy Morse, Village Clerk  
Guy Krogh, Esq.  
Rordan Hart, Mayor  
Adam Walters, Esq.  
Lance Brabant, MRB Group  
Jessica Giles, Planning Board Chair  
Claudia Brenner, Sundial Properties  
Joe Bowes, Ithaca Neighborhood Housing Services