

STATE OF NEW YORK : COUNTY OF ONONDAGA

TOWN of SKANEATELES and VILLAGE OF SKANEATELES

In the Matter of a Proposed

ANNEXATION PETITION

JOINT PUBLIC HEARING of Town Board and
Village Board in the above matter, conducted at
the Skaneateles Fire Department, 77 West Genesee
Street, Skaneateles, New York before JOHN F.
DRURY, CSR, Notary Public in and for the State of
New York, on February 25, 2015, 7:00 to 9:30 pm.

PRESENT FROM SKANEATELES TOWN BOARD:

MARY SENNETT	Supervisor (Chairperson)
JAMES GREENFIELD	Town Councilor
NANCY MURRAY	Town Councilor
CONSTANCE BRACE	Town Councilor
THOMAS TAYLOR	Town Attorney
JULIE STENGER	Deputy Town Clerk

PRESENT FROM THE SKANEATELES VILLAGE BOARD:

MARTIN HUBBARD	Mayor
SUE JONES	Village Trustee
MARC ANGELILLO	Village Trustee
JAMES LANNING	Village Trustee
CAROL STOKES-CAWLEY	Village Trustee
MICHAEL BYRNE	Village Attorney

PRESENT REPRESENTING THE APPLICANT:

GARY L. DOWER,	Managing Director Mirbeau
KATHLEEN M. BENNETT	Attorney for Applicant, BS&K
ROBERT EGGLESTON	Architect

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ASHLEY KATE IBANEZ	876 W. Genesee Rd.	69
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TIM JOHNSON	856 Franklin St.	75
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1 Chair

2 CHAIR SENNETT: Good evening
3 everyone. I'm Mary Sennett, I'm the
4 Supervisor for the Town of Skaneateles,
5 and I wish there was always this much
6 participation in government. Thank you
7 for being here.

8 A couple of things before we get
9 going. I want to, I don't know where he
10 disappeared to, but Mr. Buff is here,
11 thank the Skaneateles Volunteer Fire
12 Department for letting us use this space.
13 Dick Perkins particularly was helpful
14 setting up the room and getting us all
15 set up with equipment for audio and
16 visual. So thank you very much.

17 I hope everyone signed in. There is
18 a sign in sheet here, if anyone forgot
19 to do that, if you could just step over
20 and sign in now, that would be
21 appreciated.

22 Another thing, just as a courtesy,
23 if you could turn off your cell phones
24 so that there isn't any interruption if
25 somebody is speaking, that would be

1 Chair

2 Deputy Town Clerk.

3 CHAIR SENNETT: There is one member
4 of the Town Board who is not here,
5 that's Claire Howard. Claire Howard is
6 on the west coast because her daughter
7 had twins on Monday, so she's out there.
8 And just so you know, our Town Attorney
9 looked into this, Claire has been part
10 of all of our discussions, has all the
11 materials, and because we are having a
12 verbatim transcript produced, when she
13 returns she can participate in the
14 deliberations and the vote. So she'll
15 be there for a couple more weeks.

16 We're here tonight for the joint
17 public hearing on the petition for
18 annexation of territory from the Town of
19 Skaneateles to the Village of
20 Skaneateles. The applicant is Eleroin,
21 and Niorele, who petitioned us for this
22 annexation.

23 I want to acknowledge that this
24 joint meeting is being held pursuant to
25 Article 17 of the New York State General

1 Chair

2 evening is the selection of a chair for
3 the public hearing. And I would need a
4 motion for that selection.

5 TRUSTEE ANGELILLO: Like to make a
6 motion that we have Supervisor Mary
7 Sennett to be the Chair for this joint
8 public hearing.

9 COUNCILOR GREENFIELD: I'll second it.

10 CHAIR SENNETT: All those in favor?
11 Any opposed? All right, that motion has
12 been carried.

13 I just wanted to explain a little
14 bit about what a public hearing is. At
15 a public hearing the public is invited
16 to speak, but the Board is not obligated
17 to answer questions or to render a
18 decision; so this is not a question and
19 answer evening. This is a time for the
20 members of the Village and Town Boards
21 to hear from you, the public.

22 There is a couple of guidelines that
23 we've established for speaking. And
24 that is if you choose to speak, we need
25 you to state your name and address.

1 Chair

2 I didn't introduce our Constable
3 over there, that's Tom Odessa, and Tom
4 has a microphone. He can hand it to
5 you. We need you to clearly state your
6 name and address for the record. We ask
7 that you limit your comments to three
8 minutes. I've asked Connie Brace to use
9 her phone to time the comments. So if
10 you go over, Connie may ask you to stop.
11 And I would also ask that concerns not
12 be repeated more than necessary. If we
13 hear an issue, we don't necessarily need
14 to hear it four times.

15 This public hearing, we have public
16 hearings on local laws, but there are
17 some unique attributes to a public
18 hearing for annexation. And I would
19 just ask our Town Attorney, Tom Taylor,
20 to go through those features of an
21 annexation public hearing.

22 MR. TAYLOR: Thank you, Supervisor.
23 This is a unique public hearing that's
24 allowed by Article 17 of the General
25 Municipal Law, in that it is a joint

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Town Attorney

meeting. It is both a Town Board and a Village Board, since action is going to be required by each. So even though this public hearing is a joint session, each of the Town Board and the Village Trustees will meet and render their own decision.

And their decision is limited to two issues: Is the petition that has been brought by the applicant compliant with all of the statutory requirements for submitting a petition? And whether or not the annexation is in the overall public interest?

The factors that the Boards will consider include the effects on the territory proposed to be annexed, the effect on the municipality to which the territory is to be annexed, the effect on the municipality from which the territory would be taken, and the effects on any special districts in the territory.

The focus of this joint public

1 Motion to Open

2 hearing is not the specific development
3 proposed by the applicant, those issues
4 will be heard and decided if this matter
5 moves forward with the Planning Boards
6 of the Village and/or Town, depending
7 upon how the Boards vote.

8 And following the closing of this
9 joint public hearing the Town and
10 Village will again vote separately, and
11 they have 90 days within which to render
12 a decision.

13 CHAIR SENNETT: Thank you, Tom. We
14 now will proceed with the public hearing
15 portion of this meeting and I would ask
16 for a motion from someone to open the
17 public hearing, anybody can do it.

18 TRUSTEE ANGELILLO: I'll make a
19 motion that we open the public hearing.

20 COUNCILOR MURRAY: I second it.

21 CHAIR SENNETT: All those in favor?
22 Any opposed?

23 TRUSTEE LANNING: Yes. The Department
24 of Environmental Conservation literally
25 states that SEQR should be applied at

1 Motion to Open
2 the time of the initial petition
3 presented to the involved municipalities
4 prior to the joint municipal public
5 hearing. If an EIS, Environmental
6 Impact Study is required, it should be
7 made available as the draft for public
8 review prior to the joint public
9 hearing. Have those two documents been
10 provided to the public yet?

11 CHAIR SENNETT: We have had those
12 documents, we've shared them with the
13 Board members, they are on our website.

14 TRUSTEE LANNING: So we have SEQR,
15 Environmental Impact Study?

16 CHAIR SENNETT: We do.

17 TRUSTEE LANNING: And that's
18 available to the public?

19 CHAIR SENNETT: Yes.

20 ATTORNEY BYRNE: It's the long form,
21 Part 1.

22 MR. TAYLOR: Long form, Part 1.

23 CHAIR SENNETT: Our clerk is here if
24 you want to.

25 Is this what you're looking for?

1 Chair

2 TRUSTEE LANNING: I was not aware
3 this had been done.

4 ATTORNEY BYRNE: The Village clerk
5 circulated copies of all those materials
6 to each Village Trustee on January 15th.

7 CHAIR SENNETT: The motion was
8 carried, we are going to open the public
9 hearing. Before we get into
10 presentation I would just like to
11 acknowledge we have received a number of
12 letters, both to the Village and Town
13 Boards.

14 January 22nd, we received a letter
15 from Garron Snyder; February 4th, Louis
16 and Connie Charles, Ruth Schermerhorn,
17 Alan Dolmatch; February 8th, Stephen and
18 Lisa Byrne; February 9th, Ted and Judy
19 Parker; February 10th, Janet Aaron;
20 February 12th, a letter from Holly Gregg,
21 CPS Executive Director, and signed by
22 Jim Moore, Tim Johnson, Steve Byrne,
23 Lisa Byrne, Maria Redmond, Elaine
24 Dubois, Gary Snyder and Janet Aaron; on
25 February 21st, a letter received from

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Dower

William Mahood; February 23rd, one from Bob Naas; and today a letter from the New York State Department of Transportation.

All of those letters will be available at Village Hall or Town Hall if anyone would like to see them, and all of these letters will be part of the record.

All right, we'll proceed with the hearing and start with a presentation by the applicant. And if you could also state your name.

GARY DOWER: My name is Gary Dower, I am principal owner of the two applicants who have made the request of the communities for the annexation proposal, and I'll be speaking on behalf of the applicant.

This evening we also have with us our attorney, Kathleen Bennett, our project architect, Bob Eggleston, and Michael DalPos will be handing the AV, because I'm totally incompetent.

1 Dower

2 Madam Chairwoman and Mr. Mayor,
3 members of the Town Board and members of
4 the Village Board, thank you for being
5 with us this evening. And members,
6 fellow residents of the Town and Village
7 of Skaneateles, thank you for being with
8 us this evening. This is going to be a
9 very interesting discussion, and this is
10 actually a discussion which is hopefully
11 the final point of a process started
12 many, many years ago. So if you'll bear
13 with me, I'll give you a little bit of
14 background and that will kind of set you
15 up as to why we're all here, and then
16 we'll talk about the particulars of
17 what's being proposed. Michael, if you
18 want to put on the first slide.

19 What you see on the board is a slide
20 that represents the property at the
21 intersection of Fuller/Franklin Street
22 and New York State Route 20, Genesee
23 Street. This is the last piece of a
24 puzzle that the community, both
25 communities, Village and Town have been

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Dower

working on for 25, 30 years. There are some of us here that remember the trailer park and the gasoline stations that were located in this area. We also remember the steamboat landing property that was left vacant for many years. And as you continue on down into the Town we remember all the buildings that were there and are no longer with us.

Over these past years the communities have been working to really rehabilitate what's called the Western Gateway do our community. It has gone through many phases. One of those phases was an annexation process involving this property, which is currently being operated by the Mirbeau Inn and Spa, that is a part of the Village property, that occurred about 15 years ago.

Other processes involved the development of the properties down farther on Genesee Street. The most recent activities occurred with the

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Dower

project that the Town really has sponsored which is commonly called the Western Gateway Project. This is a project that actually was started by the Town Board 10, 12 years ago I would think, maybe more, by obtaining a large grant from the State of New York for restoration, sidewalk development and landscaping and curb work for the whole western corridor, Route 20, from out at the edge of the highway commercial district all the way down to the corner of Franklin Street.

As we see these projects occur over the years, there has been tremendous benefit to the community with the development of this area and also with the clean up of the problems that existed in this area.

We got involved about eight years ago or more when then Town Supervisor Bill Pavlus, came to us and asked us if we could help the community resolve the issues that were occurring in this area,

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Dower

because of litigation which was occurring between the property owners, the owner of the gas stations. There were two different gas stations, two different owners, there was the New York State DEC involved, there was the New York State Spill Fund, New York State Attorney General's Office, state police. There was a whole series of municipal and interproperty lawsuits involved because of a gasoline leak that occurred many, many years ago.

What happened was the litigation got stuck, nothing was going forward, and these properties had essentially been abandoned by the owners. Mr. Pavlus, with the support of the Town Board then, was looking to see if he could get some motion from the State of New York to resolve the issue one way or the other, so that these properties could be put back into productive use with the community, and he asked our help in that endeavor.

1 Dower

2 Being the optimist that we are, we
3 said sure, we'll be happy to help. So
4 that is where we became involved, is to
5 try to work with the communities to
6 resolve the long-standing issues that
7 was located here.

8 It actually took us about five times
9 longer than we thought it was going to
10 take to sort things out with the State
11 of New York. Eventually there was a
12 resolution, that in summary ended up
13 with the state agreeing and the property
14 owners agreeing that they would settle
15 their differences financially, as long
16 as somebody would take the responsibility
17 to clean up the environmental issues
18 that were remaining.

19 At that time there was a shed, an
20 old wooden shed next to the old BP
21 station, in which there was about 50
22 barrels of different petro chemicals
23 that had been stored there for years;
24 they were about ready to fall over.
25 There had been some restoration of the

1 Dower

2 Mobil station but there was still
3 restoration that had to be completed,
4 and we all remember the old building.

5 At the end of the day, in order to
6 make this process happen, we agreed to
7 take responsibility for the property and
8 to take responsibility for cleaning up
9 the remaining environmental issues and
10 work with the state DEC as long as the
11 property owners could get out of our way
12 and the state would be cooperative.

13 Amazingly, that worked out fine. We
14 actually did finish the environmental
15 work on the gas stations and demolished
16 the Mobil station as a part of that. We
17 now have what they call No Further
18 Action letters from the State of New
19 York, which identifies that no further
20 action is required in the regulatory
21 sense with regard to the old existing
22 environmental issues. So from the New
23 York State's perspective they have been
24 cleaned up properly, and are now ready
25 to be put back in service.

1 Dower

2 During that process we approached
3 the, we obtained control of the BP
4 station first and we approached the Town
5 and the Village to discuss the potential
6 of developing that into a small little
7 retail/office space, just to make it
8 more aesthetically pleasing for the
9 community. And to do something that we
10 felt we could use productively as a part
11 of the overall operations that we were
12 involved in here.

13 Interestingly enough, we found out a
14 lot of things during that process. One
15 thing we found out was that the
16 municipal boundary line does not respect
17 property lines. So it cuts right
18 through the property and cuts right
19 through several parcels. So there are
20 parcels, a part of which are in the
21 Village, and there are parcels, a part
22 of which are in the Town.

23 We also found that for reasons that
24 are still a mystery, long ago the Village
25 sewer and water services were actually

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Dower

connected up to these properties,
including the properties that are in the
Town. That was done for some reason.
It doesn't comply with the existing
policy of the Village, and it doesn't
comply with the existing policy of the
Town. So we found ourselves in the
middle of an anachronism in our
community, and working with the Town,
trying to work with the Town and Village
to sort that out.

At the end of the day what happened
was that the Village recognized that it
really wouldn't be proper to allow the
development of the property because the
Village sewer was hooked up or the
Village needed to have the sewer hooked
up, and there was no understanding of
what this entire property would be like;
because we were just talking about one
small little building.

We essentially agreed with the
community to put everything on hold,
allow the community to consider what

1 Dower

2 their next steps might be, and give us a
3 chance to think about what might be
4 appropriate for the entire project as
5 opposed to the little building.

6 We got busy doing other things, the
7 community got busy doing other things,
8 and a couple of years went by. Recently
9 with the new administration in the Town
10 there was a renewed interest in cleaning
11 up this area, and we were approached and
12 requested if we would put together a
13 plan that would encompass not just the
14 little BP building, but also look at
15 what could comprehensively be used in
16 bringing all of this property back into
17 productive use? And that's why we're
18 all here.

19 We're going to be presenting a plan
20 that's called the Gateway Project. The
21 purpose of the plan is to provide
22 another transitional element between the
23 Town, which is basically highway
24 commercial, and the Village, which is
25 basically residential. So you see it

1 Dower

2 has parts of both of those types of
3 developments.

4 The total project site, as I
5 mentioned, it's a mixed use project.
6 The total project site is relatively
7 small, it's about 2.2 acres. It's
8 comprised of a number of different
9 little parcels. As I mentioned, some
10 are in the Village, some are in the
11 Town, it's a little bit of a hodgepodge.
12 Again, it's a historical anachronism
13 that occurred over time for reasons that
14 have all gone by.

15 The property, the Village boundary
16 line runs directly through these parcels,
17 and therefore one of the first things
18 that occurred as a discussion of
19 developing this area, or one of the
20 first points of reference was, well
21 who's going to administer the
22 development? Is it going to be a Town
23 Planning Board project, Village Planning
24 Board project, what zoning applies, how
25 is it to be organized and taken care of?

1 Dower

2 Currently the property is zoned
3 three ways. There are parts of it that
4 are in the Town HC, which is the highway
5 commercial district; there are parts of
6 it that are in the Village, A-2, which
7 is a Village residential district, even
8 those portions in historical times was
9 used as a gas station, it was a
10 non-conforming use. The surrounding
11 property is all Village. So all of this
12 property is surrounded currently by
13 Village property. And that zone is
14 what's called a transitional residential
15 zone, it's the Village, which is A-3.

16 So when people started thinking
17 about developing it, they were trying to
18 come to grips with, what is the zoning,
19 what are we required to do, what should
20 be done in order to satisfy the
21 requirements of the community?

22 It occurred to everybody pretty
23 quickly, that because of the small
24 character of these parcels it really
25 makes sense to bring them under a single

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into an office building. The principal use of that will be essentially offices for the Mirbeau Companies. They've requested to use the space, and if we can get the property put together properly, we expect that that's the way we're going to go.

This is a relatively small building, it's only 1,800 square feet in total, it's on two levels though. If you remember that long ago, the upper level used to be used as residential, and the lower level was a gas station.

The second use is to develop a new office building that would be for professional medical services. Over the years there have been many medical service providers that have requested the opportunity to provide their services in an area that's convenient and adjacent to the Mirbeau property, because they sense that there is a synergy between who their customers would be and the customers that are

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going to Mirbeau. The purpose of the new office building would be to give those medical service providers a place where they could position their offices and have that be adjacent to the Mirbeau property.

The third element is residential. One of the things that we felt strongly about is that we felt we wanted to bring back to Franklin Street a residential feel, which hasn't been there for years and years. By providing a Village street-scape, similar to what we see now on State Street or Hannum Street or many of the other Village residential areas. These are to be single family residences. They're individually owned residences. They're relatively small, 1,500, 1,800 square feet. Probably a master on the lower level and a second bedroom above. They're to be reorganized so they have front porches and they're up tight to Franklin Street with the sidewalk, trying to comply with

1 Dower

2 the nerveism of the Villagescape that
3 the Village Planning Board has been
4 working to preserve in all the other
5 projects that they have.

6 The next element is the redesign and
7 enhancement of the existing stormwater.
8 As we know, there is a stormwater basin
9 in this area that was originally
10 designed to handle the stormwater from
11 the Town property at the top of the hill,
12 and also the Mirbeau property. One of
13 the benefits of developing the property
14 that we're talking about this evening,
15 is that the stormwater that currently is
16 flowing from that property, can be
17 controlled and put into the existing
18 detention facility in order to make a
19 better storm water management program.

20 It's not controlled now, it just
21 falls on the ground and runs essentially
22 to the street and then down the creek.
23 So we'll talk a little bit about that
24 when we see the site plan.

25 The next element is to create a

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driveway entrance off of West Genesee Street, this would be the commercial entrances that you'll see, and it goes through the area past the office building and connects to the Mirbeau property. The reason that we're doing that, is that all of the planners we talked to requested that we have an internal connection, so that traffic doesn't have to come back out on the street if it's moving from one property to the other.

There is also a driveway entrance off of Franklin Street that you'll see. Because we've separated the traffic that's commercial from the traffic that would be residential, and you'll see how that works when you see the site plan, obviously walking past, and the different landscaping features that go along with any project like this.

And then the last element that we're going to be suggesting is an opportunity to have the Village, we'll donate the

1 Dower

2 property and work with the Village to
3 develop a Pocket Park essentially, a new
4 Village park that would be located right
5 at the apex of the intersection of
6 Franklin Street and Genesee Street, to
7 be that focal point between the Village
8 and the Town, right at the beginning of
9 the Western Gateway sidewalk. We think
10 that's a wonderful transition element,
11 would be a benefit to the people in the
12 neighborhood, and would be a nice
13 aesthetic element for the folks driving
14 up and down Route 20 to take a look at.

15 That obviously is going to be up to
16 the Village. It would be our suggestion
17 to move down in that direction, but that
18 will be up to them to see whether that's
19 something suitable from the Village's
20 perspective.

21 What you see here is the overall
22 site plan for this area. Again, you can
23 see the total little triangle of this
24 2.2 acres. The existing BP station is
25 located here, near the front of Genesee

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Dower

Street. One of the peculiar characteristics of this property, you can see that the edge of the highway right-of-way essentially is about five feet in front of this little block building. In the old days everybody owns out to the middle of the highway, but you can't use it, because the state has the right-of-way. So even though the property boundary is at the middle of the street, the state controls everything up, and in this case to right in front of the building. So any use that is put to that property is subject to the state Department of Transportation.

What you see here is the connection, the proposed connection from Genesee Street, that comes in past the office building to the new office building, and then ultimately connects up to the Mirbeau property in their existing ring road.

The residential areas are located along Franklin Street. These are six

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Dower

individual residential units, some are individual, the ones on the end, and the ones in the middle are zero lot line, but they're all individual units. It's not meant to be condos or those types of combined units, but we would suggest that as we get into this further that there be an association, so that all of these owners would have an association that they would be a member of, be responsible for the landscaping and the exterior maintenance of the building.

The reason that we would recommend that is that that would make sure that that visual character of the community was always maintained to a certain level and requirement. Because the association would be required to do that as opposed to allowing each of the property owners to be responsible for only their little building part of it. But that they would all be owned individually, subject only to the association taking care of the

1 Dower

2 landscaping.

3 The other reason we think an
4 association may make sense, is that
5 there is a single driveway that connects
6 to Franklin Street, so that a
7 residential user would come in and go to
8 the garage, and then into their home.
9 And being a single driveway, it's just
10 easier to have one snowplow or one
11 maintenance person, and it's all taken
12 care of by the association together.

13 What's a little hard to see, but
14 I'll describe it, is that our suggestion
15 is to relieve the curb line on Franklin
16 Street, so there is parallel parking all
17 along the front of the Franklin Street.
18 Very similar to what you see in all the
19 other areas of the Village. So if any
20 of these residences have visitors or
21 people coming to stay with them, they'll
22 be able to park along the street-scape
23 as opposed to having to find some place
24 to park someplace else in the Village.

25 We talked about the stormwater

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management system. Currently in this area is what's called a retention basin. It's called a retention basin because it only retains water for a period of time, it's dry most of the time. This was put together years ago when Mirbeau was developed. It was put together, as I mentioned, to serve as a control feature for the stormwater coming from over here, which is currently the Town highway garage and bus garage. In those days it was Vic Ianno's property, it was Lakeside Printing, and he had just developed I think the Red Apple and the other things at the top of the hill.

So as a part of that development he had to develop a stormwater management system that included an easement that connected from his property around the Mirbeau property and down to this area. What we did, is we put in an outflow structure so that any water leaving this site, and then flowing underneath Franklin Street, would be controlled and

1 Dower

2 limited to only the water that could
3 come through that structure. Over the
4 years the Town has administered that,
5 that's their responsibility. So it goes
6 along with the ownership of the property
7 in the top of the hill. Years ago they
8 decided to actually put a pipe, and that
9 drainage easement was first put together
10 called an overland swale. There was
11 several problems with that because the
12 water would leak out into some of the
13 neighbors property from time to time.

14 Since the Town was responsible for
15 it, instead of repairing that
16 consistently all the time they decided
17 to simply put their stormwater in a
18 piping system, which is currently buried
19 in their easement, and it goes back up
20 to the Town garage. I think that did
21 help the leakage issues quite a bit and
22 the Town should get credit for doing
23 that.

24 Just as an aside, with regard to
25 drainage, one of the issues here is that

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some of the water that goes underneath Franklin Street has nothing to do with the drainage system. Because there is a second drainage system that's operated by the State of New York along Route 20. And we've all seen, in the old days before they did the work recently, was the Western Gateway, there was a drainage sluiceway on the north side of the road. And there is a drainage-way on the south side of the road, some of it is exposed gutters, some of it is buried pipes. It all comes down in this area and is directed along Franklin Street, and comes on the downward or the downstream side of this outlet structure, and then goes underneath the highway. So that's not controlled at all by this system.

Currently, as I mentioned, the stormwater that falls onto this area is also not controlled, because it's not developed, it simply runs to the gutters on Franklin and on Genesee Street, and

1 Dower

2 then follows the stormwater system that
3 the state has. So that's outside of the
4 control of this existing detention
5 facility.

6 As we looked at what we thought
7 would make sense, we're going to be
8 suggesting that this facility be changed
9 from the retention facility to a
10 detention facility. It's called
11 detention, because now some water is
12 always detained. So instead of being a
13 dry depression most of the time, you'll
14 always have a certain amount of water.
15 That's according to the new regulation
16 that the DEC has put forward, this goes
17 back a few years. The purpose of that
18 is to eliminate the weeds and the
19 aquatic growth that comes up. I forgot
20 the name of the plant, do you remember.

21 MR. EGGLESTON: Phragmites.

22 MR. DOWER: Phragmites, that is a
23 plant that's an invasive species in New
24 York State, the DEC is trying New to
25 eliminate. So wherever they can they're

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changing detention facilities which create the phragmites into detention facilities so that eliminates them, because the phragmites do not grow in water.

The other thing that we wanted to do was to change the volume or the capacity of this structure, so that it cannot only handle what it handles now, but it can also handle the stormwater flow from this project which is currently just running off site. Our suggestion is going to be to leave that outlet structure exactly the way it is, so that the amount of water that leaves the site is kept exactly the way it has been for the last 15 years.

The only thing we're doing is picking up water that is currently not controlled and directing it into this space. So the size or the capacity of the basin is being increased and is becoming a detention facility, which we think is a more aesthetically pleasing.

1 Dower

2 Madam Supervisor suggested that this
3 is the first step. As we all know in
4 the Village and Town of Skaneateles
5 there is many, many steps to get
6 approval to do any kind of development
7 in our community. One of the wonderful
8 things about our community is that we
9 love it. And when you love something
10 you really don't want it to be hurt. So
11 there is a great effort by both
12 jurisdictions to make sure that any
13 development, whether it's ours or
14 anybody else's, is looked at very
15 carefully in a detailed way. We're not
16 quite at that part yet. What we're
17 talking about this evening is simply the
18 issue of the annexation of the two Town
19 parcels, which comprise approximately
20 1.8 acres from the Town into the
21 Village. And whether that change is to
22 the overall benefit of both communities.

23 If we get through that process, then
24 the next process would include all of
25 these other approvals that you'll see in

1 Dower Q&A of Board

2 the traditional Village proper. So this
3 is just the beginning of a long
4 discussion.

5 So as I mentioned, it's kind of the
6 end of one discussion that was started
7 15 years ago about what's happening in
8 the western side of the Village of
9 Skaneateles, and at the beginning of the
10 Town; and it's the beginning of a new
11 discussion, which is what's happening
12 with these little parcels right at the
13 apex of the corner of Franklin Street
14 and Genesee Street. I hope I haven't
15 taken too much time.

16 CHAIR SENNETT: No, not at all.

17 MR. DOWER: That is a relatively
18 brief presentation of the issues and at
19 this point I would be happy to entertain
20 any questions from the Board.

21 QUESTIONS BY TRUSTEE LANNING:

22 Q. The ownership of the house, can you
23 elaborate would they be single homes, single
24 people owning them or time shares?

25 A. (Dower) Not time share. This is a

1 Dower Q&A of Board

2 single family residence. Somebody will buy them.
3 They're relatively small. One of the reasons that
4 we've set them to be relatively small is because
5 we want them to be relatively affordable. One of
6 the problems with housing these days is that as
7 you get larger houses they just get very expensive.

8 So the whole purpose of this is to have
9 these cottage units that are suitable for people
10 that are just getting into the housing market
11 perhaps, and people that are getting out of the
12 housing market perhaps. So if you're like me and
13 you're at the other end of the spectrum, you don't
14 really need the big house and 16 bedrooms for all
15 the kids, and you want to try to downsize, this
16 would be an appropriate place for you because it
17 would be right within walking distance of the CBD
18 of the Village.

19 If you are a new young family and you
20 have never owned a home before and you're working
21 hard to be able to afford it, we're trying to have
22 this be something that you could really look at
23 because it would be affordable.

24 Q. But it would be subsidized and on
25 Mirbeau property?

1 Dower Q&A of Board

2 A. Doesn't have anything to do with
3 Mirbeau. It would be their own lots that they
4 would own. One of the issues that we would be
5 talking about when we get to the zoning question
6 is whether it will be appropriate to modify the
7 existing A-3 zone to allow for residential
8 properties. It currently does not allow
9 residential properties.

10 So we would have to have that discussion
11 with the Village about it and then the discussion
12 of whether a zero lot line is appropriate for that
13 particular area. But would be individually.

14 QUESTIONS BY COUNCILOR BRACE:

15 Q. Gary, we met before. We received just
16 today a DOT letter, and I just wanted to put the
17 questions out there, you may have answers or you
18 may not. And the question was, it says according
19 to the DEC annexation proposals should not be
20 segmented from the development, and so
21 environmental impacts associated with the
22 development such as drainage should be considered.

23 So I would like to make sure that that's
24 going to be part of it.

25 A. It's a good point. Let me touch on that

1 Dower Q&A of Board
2 briefly. We've tried to emphasize the issue here
3 is annexation. But that begs the question a
4 little bit about what should be thought about as
5 the community discusses that issue?

6 And what the reference here is that
7 under our law of the State Environmental Quality
8 Review Act and how it's interpreted by the State
9 of New York, their strong preference is that the
10 discussion of annexation include the potential
11 impact of the project that's being proposed for
12 that area.

13 What they're trying to eliminate is
14 what's called segmentation, where you try to only
15 talk about a little project, when you've really
16 got a larger project in mind. What we've tried to
17 do here with the community, is in response to the
18 request, is to show what a logical development
19 could be for this property, so that as a community
20 looks at the issue of annexation they can consider
21 what the property would be used for and what
22 environmental impacts or issues of community
23 development or community benefit flow from that
24 potential project. So we've tried to make sure
25 that we're not at all segmented.

1 Dower Q&A of Board

2 Q. Well, I think that would apply to any
3 future proposals with the existing Village
4 property as well, so they would be tied together.
5 But moving on to the other question, it says any
6 agreements between New York State DOT and the
7 Village or Town during the original annexation
8 should be reviewed. I wonder if you know what
9 those were, if you don't can you obtain them?

10 A. I don't believe there are any. But they
11 would be in the Village and Town records if they
12 exist. I don't recall any. The issue that the
13 department is also talking about is the issue of a
14 highway work permit, which is a permit that you
15 have to get from the New York State Department of
16 Transportation in order to have a new curb cut
17 located on a state highway.

18 In our proposal what we would be doing
19 is eliminating three curb cuts that exist, two at
20 the BP station property and one at the Mobil
21 station property. And putting one new curb cut in
22 this location. But that's an engineering analysis
23 that has to be considered by the department,
24 because of their issues of site lines and traffic
25 control and other things.

1 Dower Q&A of Board

2 So what I'm sure they're suggesting in
3 their letter, I haven't seen the letter, but what
4 they usually suggest is to identify that the issue
5 of highway work permits is something that will
6 have to be worked through their system, similar to
7 the issue of site plan approval or all the other
8 approvals that have to happen.

9 UNIDENTIFIED FEMALE FROM AUDIENCE:

10 Q. What's a curb cut?

11 A. That is where a driveway connects to the
12 curb line of the state highway and cuts the curb
13 line.

14 Q. Can you give an example, please?

15 A. Right here, that's a curb cut. There is
16 also one here. And that's an engineering issue to
17 be dealt with by the appropriate authorities. The
18 state would be the appropriate authority, and this
19 would be the Village.

20 QUESTIONS BY TRUSTEE LANNING:

21 Q. Are these plans conceptual or final, can
22 they be changed, altered?

23 A. The plan certainly can be changed, the
24 effort here was to put forward a plan that we're
25 prepared to discuss and move ahead with. But we

1 Dower Q&A of Board

2 haven't had a chance to get any response from the
3 community or from board members or anybody else.
4 So we're very open to discussion about modifications.

5 We have had discussions with neighbors
6 in the Franklin Street area and with members of
7 the CPCS. We asked to get together with them so
8 we could share with them what our proposals were
9 and hear back from them whatever comments or
10 concerns they might have. We actually had two
11 very good meetings. We got a lot of information
12 and we're working with some of those suggestions
13 already.

14 So what will likely occur is you'll see
15 somewhat of a different plan that's actually
16 submitted, if we get to that point. The effort
17 here was to show enough information so that you
18 really saw the reality of what could happen in
19 order to gauge the impact of the project. The
20 effort wasn't to engineer or design the project
21 this way.

22 CHAIR SENNETT: Are there any
23 further?

24 SAME UNIDENTIFIED FEMALE: Can you
25 give us more about phragmites.

1 Dower Q&A of Board

2 MR. DOWER: We're going to get to
3 the public part of it.

4 BY TRUSTEE LANNING, Continued:

5 Q. I have one last question. Has the fire
6 department reviewed the plans and the concept and
7 given any indication of whether or not it's --

8 A. No, this really hasn't been reviewed in
9 an official way by any of the different agencies
10 that we would move to. We wanted to give the
11 community, both the Town and the Village, the
12 opportunity to reflect on the issue of annexation
13 first, and to determine whether that was an
14 appropriate way to approach it. And then
15 depending on how that works out we would take the
16 next steps.

17 TRUSTEE LANNING: Thank you.

18 CHAIR SENNETT: Any other comments?
19 From the Village or Town Board members?
20 Okay, yes?

21 MR. DOWER: If I may, I jumped the
22 gun a little bit on total questions. We
23 have one more part of the presentation
24 that we would like to make, just so that
25 the members of the Town and Village

1 Bennett

2 Boards and as well as members of the
3 public have an understanding of not only
4 the project and the technical issues,
5 but also the process of annexation and
6 its technical issues. We have with us
7 Kathleen Bennett, who is our counsel,
8 and she'll be happy to take you through
9 the next series of slides and discuss
10 the annexation process itself.

11 MS. BENNETT: As Gary said, and as
12 the Supervisor indicated, that the
13 annexation of these parcels is really
14 the first step. It's if the annexation
15 goes forward there is going to be a
16 number of other approvals that will be
17 necessary and a number of opportunities
18 for public comment.

19 To your question whether the plans
20 are final. I think one, it all depends
21 on whether the annexation goes forward,
22 and then two, what zoning is going to be
23 applied and what the criteria is of that
24 zoning.

25 As Gary indicated we wanted to give

1 Bennett

2 you a concept plan of sort of a maximum
3 build-out of that site, so to undertake
4 the environmental review, you would have
5 an idea of what the maximum build out of
6 that property would look like.

7 So this is just an overview with the
8 first step as an annexation is that the
9 property owners would petition, these
10 are the requirements of the petition.
11 We filed the petition and the joint
12 public hearing was scheduled.

13 Then this shows the current zoning
14 map of the Village and you'll see. So
15 you'll see here, this is the current
16 Mirbeau property. This little peninsula
17 or island is completely surrounded by
18 the Village property on the three sides.
19 So that little area that we're asking to
20 be annexed. So as you can see that's
21 what we're asking to have brought into
22 the Village.

23 And then the public hearing, why
24 we're here. The law on annexation
25 requires that a public hearing be held

1 Bennett

2 and that during the public hearing the
3 Supervisor indicate that they gather
4 information on the two issues that they
5 have to consider. Is the petition
6 compliant with the statutory requirements?
7 And then is the annexation in the
8 overall public interest?

9 And then after that both Boards must
10 make a separate decision on whether the
11 annexation is in the overall public
12 interest. And SEQOR has been brought up
13 a couple times here tonight, and I would
14 agree wholeheartedly that SEQOR must be
15 completed, there must be a SEQOR
16 determination made before those
17 decisions are made on whether to annex
18 the property.

19 And with respect to the SEQOR
20 procedure, I think what we would ask is
21 that the Village Board act as the lead
22 agency for the environmental review of
23 this project. And that they undertake
24 what's called a coordinated review of
25 the project, so that they get all of the

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involved agencies involved, they seek their consent on being lead agency, and then those involved agencies can comment to the Village Board on environmental issues.

MR. EGGLESTON: Including the Town and the fire department.

MS. BENNETT: Yes.

TRUSTEE LANNING: I'm confused, I was told SEQR was already completed. It's not?

MS. BENNETT: SEQR was not completed but we did submit a Full Environmental Assessment Form to both municipalities for the Gateway Project. And to answer your question, because I know where you're going, that's just DEC guidance. DEC doesn't oversee or regulate the SEQR process for anybody but themselves. They provide regulations, they provide guidance. Their position is, on their application, that SEQR determination should be made before public hearings are scheduled.

1 Bennett

2 There is case law in New York State
3 that says it is not necessary to
4 complete your SEQR determination before
5 you hold a public hearing. And that in
6 fact it may be more appropriate to have
7 a public hearing before making that
8 determination, because it certainly
9 allows the opportunity for the public to
10 weigh in on environmental issues before
11 that determination is made.

12 For example, if a SEQR determination
13 is made, and there is a negative
14 declaration issued, that determination
15 could be made by whatever Board acts as
16 the lead agency, without ever hearing
17 from anybody in the public. So the
18 public would never be able to comment
19 necessarily on a negative declaration if
20 that was made before a public hearing
21 could be scheduled. So there is case
22 law that says, under these types of
23 circumstances that it's perfectly
24 acceptable. At least I listen to the
25 courts, you listen to the DEC.

1 Bennett

2 TRUSTEE LANNING: Thank you.

3 MS. BENNETT: So any way we would
4 ask that the Village act as the lead
5 agency, and at the next meeting it take
6 steps to start that SEQR review process
7 by classifying the action as an unlisted
8 action, declaring its intent to act as
9 the lead agency. And then sending out
10 those consent letters to all of the
11 other involved agencies, getting their
12 consent to act as the lead agency for
13 purposes of it.

14 And we would also agree with the
15 SEQR review not looking at the
16 annexation in a vacuum, but looking at
17 the annexation in connection with the
18 proposed Gateway Project, what a total
19 build-out of that site could potentially
20 look like.

21 So again, just the statutory
22 requirements for annexation, a little
23 bit of elaboration on what amounts to
24 the overall public interest, and its
25 just the effects on the territory

1 Bennett

2 proposed to be annexed, the effects on
3 both municipalities, and the effects on
4 any special district.

5 This slide just goes through the
6 elements of what's required in the
7 petition. And this just basically sets
8 forth that all of those requirements
9 have been satisfied. We've described
10 the property proposed for annexation.
11 We've noted that nobody lives there. It
12 was signed by Gary Dower as the sole
13 owner of both Petitioners, his signature
14 was witnessed and notarized and the
15 assessor's statement was attached.

16 And then the overall public interest
17 evaluation. As we saw from the map,
18 right now this territory is that little
19 peninsula surrounded by Village property
20 on the three sides, so it makes sense to
21 annex it into the Village, provides for
22 more unified zoning and planning. It
23 also clarifies the historical use of the
24 Village sewer system, which Gary
25 mentioned. And I think what happened

1 Bennett

2 here is that the parcels are separated
3 into five tax map parcels, but deed-wise
4 they are deeded as three parcels. And
5 part of, two of the parcels have a part
6 in the Village and a part in the Town.
7 The mutual boundary lines didn't
8 recognize the deeded property lines.

9 And so I think because those two
10 parcels had their toes in the Village,
11 so to speak, that that's how they were
12 able to get the Village sewer services
13 provided to them. But by having the
14 full parcel annexed into the Village,
15 that certainly cleans that whole matter
16 up.

17 And then with respect to the impact
18 on the Village, the annexation will
19 certainly have a positive impact on the
20 Village. It will create a more solid
21 peninsula that will be controlled by
22 uniform planning and zoning. It will
23 ensure that appropriate transitions are
24 made between commercial uses and
25 residential uses, to create affordable

1 Bennett

2 housing opportunities and improve the
3 street-scape, creating a Pocket Park to
4 enhance the pedestrian planning. And
5 there will be a substantial increase in
6 tax revenues of \$6,708.95.

7 And this slide just shows how we
8 went through that calculation. So this
9 shows that under the current situation
10 the three tax map parcels that are
11 within the Village pay \$531 in taxes.
12 And that if they're annexed into the
13 Village, the development goes forward,
14 we've estimated the taxable value to be
15 \$2 million, which would result in total
16 taxes of \$7,240, which results in an
17 increase of 6,700, and we'll round up to
18 9. So certainly a significant increase
19 in revenues to the Village.

20 There is a concern, I think, that
21 the project will increase the amount of
22 higher cost power that the Village will
23 have to buy. And that that could result
24 in some increased electric bills for all
25 users. We've been able to calculate

1 Bennett

2 that the Gateway electric usage as per
3 what we've proposed as a build-out is a
4 minimal amount to the Village allocation
5 from NYPA is 0.2 percent of the current
6 Village power allocation. So there
7 might be some increase in cost. But
8 that increase would be low and certainly
9 would be offset by reduction in property
10 taxes, as you would see from the
11 increased revenue to the Village as a
12 result of the project overall. In
13 addition, we would engineer the project
14 to be as energy efficient as possible.

15 With respect to the Town, even
16 though the Town would be losing two
17 parcels of land there will still be
18 positive impacts to the Town. Again,
19 it's going to ensure an appropriate
20 transition, and uniform zoning reviews
21 for any development. And the Town will
22 also see a significant increase in tax
23 revenue with a net gain of \$3,129 or 446
24 percent. And Again, this is just a
25 breakdown of how we calculated the tax

1 Dower

2 benefits to the Town.

3 MR. DOWER: Kathy, if I may on that,
4 this again gets a little confusing. But
5 with the Town there is really two
6 pockets and two budgets. There is the
7 part of the Town that's outside the
8 Village, there is the part of the Town
9 that's inside the Village. We have
10 different budgets, different tax rates.

11 So to some extent, taking the
12 property away from that part of the Town
13 that's outside of the Village will
14 reduce the tax revenue to that part of
15 the Town, and in that budget. And I
16 think that's a few hundred dollars.

17 The benefit for the Town is that
18 there is such a large increase in taxes
19 on the other side of the Town that when
20 the Town looks at this as what's in the
21 overall benefit of the community? It
22 clearly is to the overall benefit of the
23 Town. But to be clear, there is one
24 portion that does have a negative impact
25 but it's only a few hundred dollars.

1 Bennett

2 MS. BENNETT: And then just moving
3 on to the special district. So the Town
4 parcels do currently contribute to the
5 fire protection district, the lighting
6 district and then the Town highway
7 district. So that revenue would be lost
8 to those districts, but again, it's a
9 minimal amount of revenue. And then the
10 school district would see a substantial
11 increase in revenue from the project to
12 the tune of \$25,000. So that is not an
13 insignificant amount and would reduce
14 the taxpayer burden for both town and
15 village residents that are within the
16 district.

17 So just a few other factors that
18 demonstrate that the annexation is in
19 the public interest. I think there's
20 been, you know, some thought, some
21 comment made that maybe the Village
22 review wouldn't be as protective as the
23 Town review. And certainly from our
24 standpoint both the Village zoning and
25 the Town zoning are equally restrictive.

1 Bennett

2 With respect to the property, each
3 requires certain setbacks, each has
4 limits on impermeable surface coverage.
5 And the case can be made that the
6 Village might be actually more
7 protective in these areas. And more
8 importantly, as you saw earlier, the
9 property is annexed into the Village.
10 So there is going to be review by three
11 other Village boards: The Zoning Board,
12 the Planning Board and the Board of
13 Trustees are going to consider this
14 again. So the project would be
15 thoroughly vetted and there would be a
16 number of opportunities for public
17 involvement in the review process.

18 And then the project satisfies
19 several objectives of the joint
20 comprehensive plan. It provides for
21 mixed uses, it provides a better
22 transition between commercial and
23 residential uses, it improves the site.
24 You don't have an eyesore there anymore,
25 it's put back to beneficial use. It's

1 Bennett

2 going to become part of a walkable
3 connection between the Village and the
4 western gateway and also create
5 employment opportunities.

6 And as Gary already spoke about some
7 of the stormwater drainage benefits,
8 that part of the property is currently
9 not part of the drainage system, and it
10 runs down to Route 20 as I think Gary
11 acknowledged, and then kind of snakes
12 over into it.

13 So this project, annexation and
14 moving forward with this annexation
15 development of property would mean that
16 that system would be improved and would
17 comply with the DEC stormwater regs.
18 And then --

19 TRUSTEE LANNING: Are there other
20 developments proposed for the existing
21 Mirbeau property and should they be
22 included in the annexation procedure?

23 MR. DOWER: Talking to, there is
24 another project that is being
25 considered, it's being considered by the

1 Dower - Lanning

2 Mirbeau Company, it's not part of our
3 discussion this evening. But we wanted
4 to address it a little bit because of
5 the stormwater issue.

6 One of the things that we were
7 concerned about in looking at the
8 Gateway project and deciding what kind
9 of design would be appropriate for the
10 drainage area, is that we wanted to
11 understand whether there was going to be
12 any potential changes upstream that
13 would have an impact on that design. So
14 we asked the Mirbeau Company if they
15 would share with us what their thinking
16 would be if they had the opportunity to
17 do something with their property.

18 They have been thinking about
19 solving an existing problem that's been
20 somewhat of a concern to the residential
21 neighbors on Franklin Street with regard
22 to noise issues that come from weddings
23 and other social events. Currently
24 those are being held on an outside deck
25 under a tent. The noise has the ability

1 Dower - Lanning

2 to bleed away, particularly on quiet
3 evenings.

4 The proposal is to build a building
5 and put those events inside of a
6 building as a way to have a better
7 ability to control that noise. That
8 project may or may not go forward, there
9 is nothing required for it, it's
10 something that's being discussed at the
11 Mirbeau level. In fact they're talking
12 about it, as I mentioned earlier, with
13 some of the neighbors and with the Holly
14 Gregg group to see what their thoughts
15 are on it.

16 But we put it forward just as a way
17 for the Board to understand that
18 upstream there is another potential
19 project that may have some drainage
20 issues that have to be considered as a
21 part of the design of this project.

22 MS. BENNETT: Gary, with respect to
23 considering the annexation and the
24 overall public interest analysis, no, I
25 don't think that project on the Mirbeau

1 Bennett

2 property relates in any way, shape or
3 form to consideration of the questions
4 that you have to address with respect to
5 the annexation.

6 Whether or not you feel that project
7 needs to be a part of the environmental
8 review, I think that's for whatever
9 agency declares itself as the lead
10 agency and undertakes that review. That
11 was part of the reason why when we
12 submitted our initial Environmental
13 Assessment Form, we submitted
14 Environmental Assessment Forms for both
15 projects. So that way we would not be
16 accused of trying to hide anything or
17 segment review.

18 I think the environmental review for
19 those two projects could be separated,
20 but I think they could also just as
21 easily be undertaken together.

22 BY COUNCILOR BRACE:

23 Q. Gary, the drainage basin, the detention
24 basin as proposed, it's previously been managed by
25 the Town. In the new proposal it becomes Village

1 Dower - Brace

2 property. Does that get managed by the Village,
3 by the owner of the property, how does that work?

4 A. (Dower) The existing detention basin is
5 administered by Mirbeau under the permits of the
6 Village. The Town is responsible for the drainage
7 easement that flows from that their property to
8 the basin. But they're not responsible for that.

9 Q. So who would be managing the basin, the
10 property owners?

11 A. It would be the responsibility of the
12 Mirbeau Company and the owner of this property
13 jointly to handle that new basin, because it would
14 be existing on both properties. Because we make
15 the size of it larger, as you can see in the
16 slide, it bleeds over somewhat from the Mirbeau
17 property into this property. So there would be a
18 joint responsibility.

19 MR. DOWER: We were in kind of a
20 question period, are there any other
21 questions from the Board members that
22 deal either with the design and features
23 of the project or with the process of
24 annexation?

25 CHAIR SENNETT: Any other comments

1 Bennett

2 from Board members? Hearing no further
3 comments, we'll move into the public
4 comment portion of the meeting.

5 MS. BENNETT: Actually, Supervisor,
6 if I could just make, I'm sorry, one
7 final quick remark. One thing I did
8 want to put on the record, we just
9 wanted to note that we understand that
10 Trustee Lanning has made public
11 statements opposing the annexation and
12 opposing expansion by Mirbeau.

13 And there is case law to the effect
14 that municipal officials must be
15 open-minded, objective and free of any
16 taint of bias or partiality. And while
17 we appreciate it that these comments
18 were made in the context of an election
19 platform, it does create an appearance
20 that there might be some bias. And I
21 just wanted to state that for the record.

22 TRUSTEE LANNING: Can I make a
23 comment?

24 MS. BENNETT: Absolutely. I was
25 just stating it for the record.

1 Bennett - Lanning

2 TRUSTEE LANNING: No, I understand.
3 The comments that I made were that I
4 have strong reservations about the
5 project. And those comments were based
6 on my opinion and my interpretation that
7 the SEQR review was supposed to be
8 finalized before the public hearing; and
9 my opinion that the environmental impact
10 study was supposed to be available to
11 the public. That's my opinion, and
12 that's why I expressed that.

13 I have reservations about the way
14 the process was going forward and I have
15 reservations about the segmenting which
16 the DEC is very clear that they don't
17 care for. So that's why I made those
18 statements. I have long driven past
19 that property in hopes that something
20 could be done, and didn't enjoy looking
21 at those old gas stations. And I'm not
22 opposed to development there. My
23 reservations were about the process.

24 MR. DOWER: Thank you for clearing
25 that up.

1 Chair

2 MS. BENNETT: Yes, thank you.

3 MR. DOWER: Madam Chairman, we were
4 talking with some questions from the
5 audience on the presentation first.
6 Would you like to do the questions
7 before we get?

8 CHAIR SENNETT: I think we should
9 move into the public comment portion of
10 the meeting right now. And as I said,
11 you can certainly make statements where
12 you would ask for clarification. But
13 this is not a forum for questions and
14 answers. We have our reporter here
15 taking everything down, we will have a
16 written record that will be available
17 actually to everyone. But it will be
18 reviewed by the Boards. It will be
19 reviewed by the applicant, and responses
20 to the questions will be presented.

21 But in order to move forward right
22 now, what we are going to do is take
23 comments from the public. And we start
24 with those who are in favor of this
25 project. So if there is anyone who

1 Letter from Kinder

2 would like to speak in favor of this
3 project, you can raise your hand. Our
4 constable has a microphone.

5 COUNCILOR BRACE: I'm going to put
6 the timer on.

7 ASHLEIGH KATE IBANEZ: Hi, my name
8 the Ashley Kate Ibanez, I live across
9 the street from Mirbeau on the West
10 Genesee Street side, 876 West Genesee
11 Street. I just wanted to express my
12 husband and I's approval for this
13 annexation. We're especially excited
14 about the park aspect. We know it will
15 be executed with the Town and Village's
16 best interest.

17 I also have a letter to read on
18 behalf of my father, who can't be here
19 this evening. "Dear Board Members, my
20 name is Ted Kinder and unfortunately I
21 could not be here tonight, but I wanted
22 to be sure that my voice was heard in
23 support of this exceptional project. I
24 have examined the plans and I see the
25 benefits from three differ perspectives.

1 Letter from Kinder

2 Number one, as a property owner
3 directly across the street from Mirbeau,
4 I feel strongly that this project will
5 raise my property value. The recent
6 Town infrastructure improvements to the
7 street-scape and now this well designed
8 development will have a very positive
9 effect on the curb appeal of the whole
10 neighborhood.

11 Number two, as a 35 year resident of
12 the Town and Village of Skaneateles, I
13 welcome the additional tax base and
14 increased residential opportunities it
15 will bring. The project will also
16 stimulate the local economy, something
17 we greatly need here.

18 Number three, as a former urban
19 planner, I know that across the United
20 States there is a great emphasis being
21 put on developing urban infill sites,
22 exactly like this one. Municipal policy
23 should reflect the importance of
24 developing parcels that are already
25 served by municipal services and are

1 Letter from Kinder

2 close to the urban core. In addition,
3 we must strive to make our villages and
4 cities more walkable, and this project
5 does that very nicely.

6 15 years ago Gary and Linda Dower
7 took on the considerable risk of
8 acquiring a dilapidated motel on the
9 outskirts of the Village. They turned
10 that blighted property into a world
11 class facility that has become an
12 economic generator for Skaneateles.
13 Then they took another major risk by
14 acquiring the environmentally challenged
15 gas station sites that we are talking
16 about now. They are willing to make
17 another major investment in our
18 community and have proposed a very
19 reasonable and attractive plan that
20 deserves our support. Thank you, Ted
21 Kinder."

22 CHAIR SENNETT: Thank you. Could
23 you bring that letter up for us? Thank
24 you. Are there any other people who
25 would like to speak in favor of this

1 Dreyfuss

2 project?

3 EVAN DREYFUSS: My name is Evan
4 Dreyfuss, 100 East Genesee. I've lived
5 in Skaneateles about 14 years. I've
6 been on our school board for about nine
7 years. I've noticed a disturbing trend.
8 Our senior class right now is 120 kids,
9 our kindergarten is 75 children. This
10 trend is happening all around Upstate
11 New York. Upstate New York is slowly
12 dying. So I believe that we should very
13 carefully consider this annexation. It
14 will help develop this property correctly.
15 I think that positive development would
16 benefit our community.

17 I think that we need more affordable
18 housing, we need more job creation, we
19 need the aesthetics that this project
20 could bring. I think the more that we
21 can do with smart growth will make our
22 community the desired place in Upstate
23 New York. And as you look around at
24 other villages and towns we have quite a
25 major advantage. And I think we ought

1 Logan

2 to continue to promote it by having more
3 young families, more empty-nesters, more
4 retirees. And I believe this project
5 will help that along.

6 CHAIR SENNETT: Thank you. Is there
7 anyone else who would like to speak in
8 favor of the project?

9 JOHN LOGAN: John Logan, I've been
10 with the Mirbeau Companies about nine
11 years now. I've seen the property
12 become a very successful part of the
13 community. I've been participating on
14 boards throughout the communities, the
15 economic development committee and the
16 commercial boards downtown. And I've
17 witnessed a lot of business owners and
18 village residents have been very happy
19 with the impact that Mirbeau has had on
20 the community.

21 I also happen to work just off Route
22 20, and I know I'm kind of planted
23 there, so I get a lot of phone calls and
24 a lot of comments from friends I have in
25 the Village, who often wonder when we're

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Logan

going to do something about the property
and on the corner.

And I've been around long enough to
see all the incremental steps that have
been taken to try to make this a great
part of the community. And it's been a
long process and it's a lot been going
on that has been done behind the scenes
over the past several years, that's
taken a lot of work and a lot of effort
and a lot of financial resources.

And to all of the people who have
stopped and asked me what we're going to
do and when we're going to do it, my
answer has always been, well, not really
me, but there is a process that would
take place, and the first step in the
process is the annexation. And you
should be receiving some letters from
some of these people over the next
couple of weeks in support of the
project as they understand the first
step of the process is the annexation.

CHAIR SENNETT: Is there anyone else

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Johnson

wishing to speak in favor of this project? The next thing we'll do is move to comments from those speaking in opposition. I just want to give you a reminder, if there is anyone who has any opposition regarding the statutory requirements of the petition, those have to be put in writing. The public interests, we are recording today, and that will be part of the record.

One of the neighbors on Franklin Street, Tim Johnson, came to me and asked if he could make a presentation on behalf of several members of the community. And so I'm going to let Tim start the comment section here right now.

TIM JOHNSON: I have my own AV here. Good evening, everyone. First off I want to thank the Village and Town Boards for being here tonight, I know it's a requirement to be here, but I still appreciate your time to come out to listen to the community's concerns

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Johnson

about what's going on. Also like to thank Mr. Dower and Ms. Bennett for their presentation and spending the time to walk-thru their thoughts on what's happening with the project.

So there is a series of folks this presentation is in conjunction with, I will cover the amount of time I'm going to speak this evening on Holly Gregg and other folks around the community who expressed concerns about what's going on with the project.

What I want to do is kind of frame up some of the key issues around the concerns for the annexation. First off talking about the connectivity of the annexation, the requests for rezoning, the development and the expansion.

Now I've heard a couple different things this evening. First off you heard from Mr. Taylor that we're only here to talk about annexation. But then heard a lot about development and how that's justifying it. We need to decide

1 Johnson
2 on the annexation first before we get
3 into the details of what's going on with
4 the project. That's a little bit
5 confusing, but that's something we'll
6 walk-thru here.

7 The SEQR process is something that
8 has been discussed a great deal, and the
9 logic around the annexation. We'll go
10 through some of the site history, the
11 drainage issues, issues with the
12 competition, as well as the impacts to
13 the community on what's going to happen
14 to the project from various quality of
15 life impacts etc., etc.

16 So when we look at the petition
17 letter, it clearly lays out the
18 annexation and rezoning, is a request to
19 facilitate the development. So the only
20 reason we're talking about annexation
21 tonight is because of the development.
22 So there is connectivity there.

23 Now, the rezoning actually we have
24 seen some information on this, but the
25 information is rezoning actually

1 Johnson

2 increases the flexibility within A-3 for
3 the certain types of development that
4 we'll talk about that a little bit later.

5 Now what's been laid out in some of
6 these plans here is medical and office
7 space that's not really consistent with
8 current or proposed zoning. And we'll
9 look through some of those details
10 around what's the permitted uses for the
11 A-3 zone.

12 And we did hear a lot about the
13 stormwater issues. There is
14 connectivity between the annexation and
15 the site down near Route 20 and the
16 proposed expansion of the wedding venues
17 in the back part of the Mirbeau property.

18 So there is also, this is moving
19 super fast, there is a tremendous amount
20 of information here that everybody is
21 trying to get their arms around. The
22 petition was sent in on January 8th,
23 that was a few days before the Town
24 Board meeting. This meeting was
25 scheduled. It essentially was even

1 Johnson

2 called out in the letter, that we want
3 to schedule this as soon as practical.
4 Let's get this thing going, get it on
5 the books, let's move ahead.

6 There is also the commentary around
7 the request for the Village to be lead
8 agency. This is the Town's property
9 right now. And as far as the precedent,
10 the Town was lead agency during the
11 original annexation of Mirbeau back in
12 1998. So what's really important to
13 consider on the annexation piece, if
14 this happens, the Town is not involved
15 anymore. There may be a coordinated
16 review and may have a little input.
17 However, there is no real legal recourse
18 for what's going to happen to that
19 property from the Town side once that
20 annexation takes place.

21 The environmental segmentation
22 that's outlined in the letter, trying to
23 look at these projects separately. It's
24 really contradicted by the language that
25 says, we want you to consider the whole

1 Johnson
2 project as part of the annexation. So
3 we've got to have it one way or the
4 other, we're either looking at this
5 whole project together or we're looking
6 at the pieces. And the DEC regulations
7 state you should really look at this
8 from a holistic perspective.

9 And that's why we come back to the
10 issue of the SEQR review and
11 understanding the Full Environmental
12 Impact Statement associated with the
13 annexation process. So this is some of
14 the information that comes out of the
15 DEC website around SEQR. Obviously
16 municipal annexations are subject to
17 SEQR and the publications, an issue that
18 we talked about. The annexation process
19 associated with SEQR should be done at
20 the time of the petition.

21 And then number three, I think is
22 the most important one here. The
23 annexation, especially the development
24 proposals, be reviewed separately from
25 such development.

1 Johnson

2 Now annexation considerations cannot
3 be segmented from SEQR, and it's
4 necessary to look at the entire action.
5 So we are going to talk about annexation
6 but we're also going to talk about the
7 development. Because you can't get
8 through a determination whether or not
9 it's in the best public interest without
10 talking about what's going to be there
11 when you're done.

12 So this is the section of General
13 Municipal Law that clearly identifies
14 the statement we talked about, overall
15 public interest. Article 702 here,
16 that's something we're to keep in mind
17 as we balance all the facts that play
18 into this decision.

19 There was some reference of case law
20 earlier. I think there is some very
21 relevant for this here as well. There
22 was, on the other side of Town there was
23 a request for annexation that was denied
24 because it was not in the overall public
25 interest for the sole reason for

1 Johnson
2 annexation was to avoid the restrictive
3 effects of the Town ordinance on a
4 landowner. So what that really means is
5 removing from something to a more
6 flexible zoning requirement, which
7 allows you to do more. So there is in
8 requesting that rezoning, to facilitate
9 this development in a way that's more
10 flexible.

11 Right now you can absolutely go in
12 and develop that property with the
13 existing zoning. The only problem is,
14 it's more complicated for the Petitioner
15 because the Town and Village have to be
16 involved. When you rezone this to an
17 A-3, now you're just going to the
18 Planning Board, Zoning Board process,
19 and the Town is really not involved
20 anymore. So the beneficiary here is
21 really the Petitioner. And the overall
22 public interest is much more
23 questionable.

24 So as stated in this case law, the
25 burden of proof on the municipality

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Johnson

seeking the annexation is on the person
-- or on the municipal seeking
annexation. So this is a Village issue,
contrary to some of the feedback you got
from folks throughout this process.

So we have been talking about some
of the issues around what's more
restrictive, what's less restrictive.
As Mr. Dower mentioned, there was a
session back on February 5th where we
listened to some of the proposals, what
was going on. And then set up meeting
minutes generated by Mirbeau, and sent
to Holly Gregg and also to both Boards,
without any input from the people at the
meeting. So this would be Mirbeau's
version or Mr. Dower's version of these
minutes. So this is where the
documentation exists where the Village
is more restrictive.

When we look at the Village density
control schedule for A-3, we talk about
minimum open space percentage, okay?
This is a transitional area that

1 Johnson
2 includes residential and non-residential
3 footprints. Under the non-residential
4 areas there is no minimum open space
5 requirement. What that means is that
6 you can cover the whole thing. There is
7 no limitation on how much open space you
8 need versus what's in a highway
9 commercial effect. Just left blank,
10 it's not addressed.

11 So there is inherent flexibility
12 associated with that, even though you
13 still need to go through the Planning
14 Board approval, that's left blank. Also
15 there is a difference in slope
16 requirements between highway commercial
17 and A-3 zoning. The A-3 doesn't have
18 any, but the highway commercial does,
19 and that's 12 percent. There is a large
20 portion of the site that's greater than
21 12 percent in grade right now.

22 Sewer is another issue we've been
23 talking about. So what this is is a
24 letter in 2000 from the Village Mayor to
25 the Town Planning Board about a proposal

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Johnson

for Framboise around the existing structure there. Mr. Dower is going to need the Village attorney copied on it. It says, historically this property is in the Village, it has been connected to sewer, and the Village has no objection to continuing that, just need to set up a contract. So the Village has said, we don't have any issue with you having a sewer. So we're not talking about annexation so we can get sewers, we're not talking about annexation for more flexible zoning; so those are two really key points. And any sort of update or rehabilitation to the existing building that's on site can be done without annexation.

You know, a long time, but one of the things that's really important if this is annexed, any development that happens, the Village is legally required to provide sewer for whatever that development is. We already know that there is, regardless of the capacity,

1 Johnson
2 needs to go through approval process,
3 but we already know that treatment plant
4 is pretty fixed. So that treatment
5 plant can be the organic treatment
6 capacity of the facility has not changed
7 recently. The trailer park and stations
8 been out of service for a long time. So
9 once you get past 18 months, that
10 capacity you had on the sewer system is
11 not considered.

12 So in the Environmental Assessment
13 Form, the claim is that the trailers and
14 the gas stations used to use 4,000
15 gallons a day. We're estimating our
16 development be 3,460. So therefore it's
17 a wash. And then there is going to be
18 no impact to the treatment plant and
19 it's got the capacity. That's not
20 really true, because there is nothing
21 going to be abandoned, and hasn't
22 happened for almost 15 years now.

23 Now that we are talking about
24 development, because it is part of the
25 annexation consideration, what are we

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talking about putting there? So these are some of the permitted use items around A-3. I remember one is a pavilion, which would replace or create like an outdoor wedding facility or something like that being discussed in the back part of the property.

Health care services, services of offices for physicians, licensed health care professionals. That's the medical building. That's the non-permitted use in A-3. General offices, not permitted; offices of licensed professionals, including engineers and attorneys. So the Petitioner couldn't have an office down there having an attorney and engineer.

The presentations, retreat seminars, that's the foundation of what would happen in the bottom of a banquet facility, you could hold the events, another non-permitted use. And the restaurant without vehicular or drive-through service, which is the restaurant

1 Johnson
2 at Mirbeau right now. So we're talking
3 about proposed development for this
4 annexation that is inconsistent with so
5 many items around the A-3 zoning to
6 begin with.

7 On the site history we heard a
8 little bit from Mr. Dower around the
9 DEC. This is a newspaper article back
10 when there was a 2,000 gallon gas spill
11 in 1989. Now, Mr. Dower mentioned there
12 is no further action on this site. What
13 this is, is called conditional approval.
14 It's an institutional control. So this
15 is a cover letter that was sent from
16 Dick Brazell, the regional spill
17 engineer at DEC that Mr. Dower is
18 saying, no further action required.

19 However, under these conditions, The
20 highlighted text says, if there is any
21 disturbance of three feet of material,
22 within three feet or deeper the DEC
23 reserves the right to do additional
24 remediation.

25 The reason that's important, it's

1 Johnson

2 highly relevant to the implication of
3 this proposed development. So there is
4 residual contamination present in the
5 ground. The reason there is no further
6 action, because there is no receptors
7 being impacted. I'm an environmental
8 consultant with over 16 years of
9 experience, so I deal with this kind of
10 stuff almost every day.

11 So the three foot mark is really
12 important, because any water lines put
13 in there will have to be below the frost
14 lines. In the Village you can't build a
15 house on a slab. You're going to have
16 to have a basement. You have soil
17 abatement concerns that are going into
18 your basement. You have exposed
19 considerations of running into
20 contaminated soil at depth. You've got
21 DEC involvement and DOH involvement.

22 Now, you also have the gift of the
23 Pocket Park to the Village. So I'm
24 wondering if the Village really wants to
25 assume the liability for property with

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Johnson

institutional control with a spill site.
I'm not sure that's something that the
Village really wants to do.

So when you look at the layout of
the houses that are proposed here, and
we overlay former plumes that came out
of that site, you can see the footprint
of those plumes goes right on top of
where those homes really are. The
foundation will be right in the mix of
this issue.

Now in addition, when you look at
the area around the houses you see some
lines that are really close together.
What those are, those are topographic
contours that indicate the change in
elevation. When those are close
together that means there is pretty good
slope. So it would be extensive
regrading and reworking of the soil that
would have to take place here in order
to meet this condition. So that's
another thing that could come into that
concept of three feet down institutional

1 Johnson

2 control.

3 So it's a little disconcerting as we
4 look at the Full Environmental
5 Assessment Form submitted with the
6 petition on page 10. The specific area
7 that calls this out, is the site subject
8 to an institutional control? Left
9 blank. Is there a DEC site number?
10 Left blank. Is there any engineering
11 institutional control? Blank.

12 However, we still have a verification
13 that certifies all this information is
14 true and to the best of the knowledge of
15 the Petitioner. So this is a really big
16 concern because it's the foundation of
17 the information that's related to the
18 development.

19 On the drainage, this then is one
20 that got a lot of attention. The photo
21 on the right, the building in the back
22 is Mirbeau. So this is taken from the
23 yard down above Franklin Street looking
24 back up to Mirbeau. So there is
25 differences between a couple different

1 Johnson

2 issues around drainage. Pipe flow that
3 Mr. Dower talked about relates to what
4 the Town went in and put in, an 18 inch
5 line from the detention basin up on the
6 adjacent town property, all the way down
7 to the current detention basin. There
8 is street flow, which is water that goes
9 across the surface of the ground and
10 there is groundwater seepage.

11 So the Town spent I think almost
12 \$50,000 to go into that easement. Put
13 in a pipe and made sure all the water
14 coming off their site made its way down
15 and got to the detention basin.

16 We do have this area with rip rap
17 along that easement to deal with other
18 surface water runoff. What's happening,
19 the surface water on the Mirbeau
20 property drains into that. As it moves
21 down through there, it's not necessarily
22 over-topping it but in some instances it
23 does and sometimes it seeps through it
24 or has an impact on the groundwater in
25 the area. So what you have is when you

1 Johnson

2 have a higher elevation here and a lower
3 one here, the hydraulic head is
4 different and you drive the seepage into
5 the adjacent property.

6 So even with the Town taking care of
7 their issues there is still significant
8 issues resulting from this property.
9 And we need full details on drainage
10 evaluations to understand. Here's some
11 pictures that are associated with it.
12 The one on the left is one of the houses
13 just below Mirbeau, one on the bottom as
14 well you can see the ground is
15 completely saturated. There is flooding
16 associated with Franklin Street and
17 could be from a variety of sources but
18 the area just below Mirbeau are coming
19 from that location.

20 Now the connectivity of what is
21 trying to be looked at is two completely
22 separate projects. We talked a lot
23 about stormwater. The large wedding
24 venue laid out in the back is a function
25 of the annexation and the development.

1 Johnson

2 We've got over a hundred parking spaces
3 that are being proposed. We've got a
4 lot of roof coverage, we've got patios,
5 and you need the expanded stormwater
6 drainage basins down below to account
7 for that. This is the foundation of the
8 stormwater pollution and prevention plan
9 that would need to be approved by DEC in
10 order to do any development in the back.
11 So all of that impermeable surface
12 that's being proposed back there is
13 going to be a function of the design and
14 the implications are on that stormwater.

15 Now, if that is annexed the Town has
16 no involvement with that at all anymore.
17 Now it's all Village property, owned by
18 two different institutions. But this is
19 a reason that these two projects are
20 connected, and definitely should be
21 looked at from a non-segmented
22 environmental assessment in a holistic
23 way.

24 Lots of stats around projected
25 estimates for what this development

1 Johnson
2 might be. These are just some
3 calculations for the last 10 years on
4 the difference between the Town tax
5 rate, whether you're in the Town and not
6 the Village, versus the Town tax rates
7 if you're in the Village. These are
8 hard numbers we know about now. There
9 can be estimates around what might
10 happen in the future based on some
11 development. Even if it could happen,
12 we don't know. But right now if the Town
13 were to hand this over, without having a
14 full detailed plan and engineer drawings
15 on exactly what will happen, it's
16 negative consequences.

17 When we think about what happened in
18 the original annexation, there were so
19 many detail drawings and so much detail
20 work that went in prior to the
21 annexation. It wasn't we've got to do
22 this first, and by the way, figure it
23 all out later, it was quite the contrary.

24 So the Town loses control, there are
25 promises around development. There is

1 Johnson

2 no legal recourse for the Town to say,
3 you told us we're going to get houses
4 there; if the Petitioner changes his
5 mind. I think that's one thing that's
6 really important for the Town to
7 remember.

8 You've got a lot of complex mapping
9 from the tax maps and the footprints of
10 where these property boundaries go. We
11 looked at what was done originally for
12 the annexation to try to take part of
13 the road to make contact with the
14 Village line to allow for the annexation.
15 That was the whole way that the A-3 zone
16 was created originally for Mirbeau, it
17 created connectivity around the Franklin
18 Street there. When we look at the
19 proposed, either one of the proposal
20 drawings here, the property boundaries
21 extend out into Route 20 but they don't
22 into Franklin Street.

23 This was the map that was included
24 in the petition that doesn't have the
25 same footprint of some of the tax

1 Johnson
2 parcels. And then issues around some of
3 the areas around Franklin Street and on
4 Route 20.

5 We have a lot of quality of life
6 impacts come out of a project like this
7 that the neighbors and members of the
8 community are going to deal with.
9 Traffic, construction, noise issues,
10 safety, lighting, parking. So we see in
11 the first element here that there will
12 be an increase of affected noise. There
13 is a comment on the second piece that
14 says there is no impact to traffic off
15 this. Now if we're going to add a 7,500
16 square foot office complex with medical
17 people and appointments all day long and
18 new curb cut in the middle of the road
19 on Route 20 there, I'm not sure how you
20 can say there will be no impact on
21 traffic associated with that activity
22 along with six additional houses. So I
23 guess that's a subjective question to
24 whoever is filling out the form.

25 In addition we have laid out three

1 Johnson
2 years of construction starting this June
3 for just the part down below. And a
4 lovely construction schedule of 7:00
5 a.m. to 7:00 p.m., 365 days a year for
6 three years.

7 As far as the petition itself when
8 we look at the cover letter, item
9 numbers 6 and 7 are missing, goes 1
10 through 5 then jumps to 8, 9. Not sure
11 if those were left out or supposed to
12 be. Critical information around the
13 institutional controls of the former
14 spill site is so important. It's the
15 foundation of any development that can
16 happen down there, and plus any land
17 transfer to the Village.

18 Now the Full Environmental
19 Assessment form has been submitted, with
20 SEQR background, but that EAF --

21 COUNCILOR BRACE: Are you close?
22 Wrap it up.

23 TIM JOHNSON: So this is my wrap up.
24 We talked about a lot of potential
25 options what this can be, talked about a

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Johnson

lot of concerns. So I'm not sure the annexation decision can be rendered on the current version of the petition. It really I think is insufficient information to determine the overall public interest, as we don't really know what's going to happen. Kind of like fluffy, must be this, must be that, this is going to happen but nothing that says that.

Need detailed plans, need a full EAF, not just 13 pages. You worked so hard on the Comprehensive Plan, even you folks involved in the proposal. We're almost there, why are we trying to shove this down everybody's throat. We're almost there to start up the whole thing in an integrated way with all the parties involved. That would make sense to get that in place first and then do this.

The last thing, we've got an opportunity here. The process of how this is working, I think it can work a

1 Johnson
2 lot better than this. And granted,
3 Mr. Dower set up a meeting to listen to
4 the community, but that was really just
5 a result of the fact that the other
6 meeting blew up and he found out about
7 this. Last summer we got together and
8 walked the property and said, hey, this
9 is what we're thinking, let's get some
10 ideas now. I'm going to guess you
11 wouldn't have all these people in here,
12 this would be a much smoother process.

13 I think good things can be done with
14 these properties, I'm not an
15 anti-development person, but the way
16 things were laid out in the process
17 really is something that has some
18 concerns. So thank you for the time.
19 I'll take any questions.

20 CHAIR SENNETT: Tim, one thing we
21 have a copy of the applicant's
22 presentation which will be part of the
23 record. Thank you very much.

24 TIM JOHNSON: And I can send
25 electronic versions too.

1 Young

2 CHAIR SENNETT: So people should
3 know we will have copies of both
4 presentations as part of the official
5 record.

6 TIM JOHNSON: Excuse me, one other
7 thing. Give you, submit petitions of
8 over a hundred names of people that have
9 signed, they're opposed to this proposed
10 development. I'll submit that into the
11 record too.

12 CHAIR SENNETT: Okay, thank you. Is
13 there anyone else who would like to
14 speak in opposition?

15 CAROL YOUNG: I would like if the
16 projet, Carol Young, West Lake Street, I
17 just have some comments on the
18 aesthetics of it. If you look at the
19 plans, if you're driving down Genesee
20 Street, you're pretty much looking at
21 parking. This is a mistake I feel the
22 Village made on Fennell Street when you
23 look at CVS and you look at Kinney's,
24 for example. You know, this is not
25 encouraging foot traffic. The buildings

1 Higgins
2 need to be closer to the sidewalk and
3 the parking, which is the ugliest part
4 of the Village, needs to be in the back.

5 And I'm just wondering if the
6 medical building couldn't be put closer
7 to the street with the parking in the
8 back. And then I think that would
9 encourage more foot traffic and would be
10 better for the Village.

11 CHAIR SENNETT: Thank you. Anyone
12 else who wishes to speak?

13 TOM HIGGINS: Tom Higgins, 854
14 Milford Drive. My question is, since
15 the community has been in the process of
16 developing the Comprehensive Plan for
17 the last three years, why are we in such
18 a hurry to approve an annexation with
19 major developments attached to it, which
20 may be in conflict with the Comprehensive
21 Plan.

22 Since the plan is nearly finished,
23 we would be making modifications to our
24 zoning laws. And at that time, then the
25 developer could base their project on

1 Higgins

2 the new zoning regulations. That will
3 reflect the goals set with the company's
4 plan. I would like a reply to that.

5 Since I do have more time I have
6 another issue, this one deals with
7 transportation. As we know it's been
8 talked about that DOT has to be
9 involved. So all the plans must go to
10 DOT. But there is a safety issue.
11 Franklin Street and Fuller Street where
12 it joins Genesee Street and Route 20 is
13 at an angle. And there is severe sight
14 distance, especially in the winter time.
15 You have to get almost into to middle of
16 the road to see oncoming traffic.

17 This is an opportunity before we do
18 any annexation to look at the
19 transportation hazard that is there or
20 that traffic hazard, along with the
21 right that DOT has to be involved with
22 anyway. So my question is, please put
23 that as part of the project to correct
24 that safety issue. Thank you.

25 CHAIR SENNETT: Is there someone

1 VanDerveer

2 else who would like to speak in
3 opposition? Yes, sir?

4 BERNARD VanDERVEER: Bernie
5 VanDerveer, I've lived in the Village
6 going on 58 years, I must say I have two
7 properties in the Village and you know,
8 I want to say, Gary, how come we didn't
9 hear about the negative parts to
10 anything? All I saw was positive, and
11 it took this gentleman that got up here
12 to point out some of the negative
13 issues. So I want that to go on record
14 as well.

15 But this gentleman, I agree with.
16 And my question is, can you explain to
17 me in writing how there will not be an
18 increased safety risk due to the
19 traffic, parking and road access onto
20 Route 20 and at Franklin Street
21 interchange. I'm not sure if you
22 mentioned Franklin Street. But I would
23 like to know, I would like to have that
24 in writing, if you would, please.
25 That's it.

1 VanDerveer/Snyder

2 One other issue. I don't think -- I
3 don't think too much consideration, if
4 any, was given to the young families and
5 children, the senior citizens. People
6 have invested a lifetime in their homes,
7 that would be adjoining this major
8 expansion; and it is a major expansion.
9 And I'm a little concerned about that.
10 These are young families and, you know,
11 to go ahead with a major expansion like
12 this is not fair to these people. I
13 certainly would not want to live on the
14 down side of this major expansion.

15 CHAIR SENNETT: Thank you. Anyone
16 else wishing to speak?

17 GARRON SNYDER: Garron Snyder, 833
18 Franklin Street. I have three questions
19 I would like answered. My first is,
20 could you please explain to me in
21 writing how you can make a determination
22 of annexation when contents such as
23 number 6 and 7 are missing from the
24 cover letter; and EAF forms that are not
25 signed, are missing from the Petitioner's

1 Coffin

2 application?

3 Secondly, could you please explain
4 to me in writing how a couple of
5 renderings of development that are not
6 consistent with density control
7 schedules within the Town or Village
8 requirements are sufficient to make a
9 determination of annexation?

10 And third, could you please explain
11 to me in writing how the proposed
12 development would not have an impact on
13 the quality of life for adjacent
14 residents, including noise, traffic,
15 lights, safety, security, emissions,
16 environmental impacts, visual impacts
17 and loss of habitat. Thank you.

18 BOB COFFIN: Bob Coffin, we live on
19 the corner of West Elizabeth and
20 Franklin Street, 7859 West Elizabeth
21 Street. I would just like to add a
22 little bit to something that was said
23 earlier about the safety of the
24 interchange between Fuller Street and
25 Route 20. But adding on to that, the

1 Coffin

2 fact that walking along Franklin Street
3 right now for anybody is an extremely
4 hazardous occupation. Especially at
5 night, or any time that's a very
6 dangerous road to begin with. This
7 project can't do anything but increase
8 that danger in the way it's written. Is
9 there some way to mitigate that? There
10 is no sidewalks on the road at all,
11 there is very steep ditches on the west
12 side of the road, so it can make it very
13 hazardous.

14 Coming down here, walking down here
15 tonight, you know, with the snow banks
16 where they were, a couple times I almost
17 got ran over. And I'm trying to be
18 visible. But anyway I think that's
19 something that also needs to be
20 addressed is how Franklin Street is
21 going to be improved. Because when we
22 are just adding on to it, it's bad
23 enough right now, that's really become
24 the main thoroughfare for people going
25 to Auburn and coming back. So I think

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Moore

have taken a good interest in this project. And we strongly encourage all members of the Board, the developer and everyone in the community to take a hard look at this. You know, we really need to take the time now and determine what is this project, what is it really going to be? How is it going to impact the environment, the character of our community and the quality of life of the residential homeowners in this community?

We've had examples the last couple of years where we've gone through this. A development gets proposed and we have to go through a lot of meetings, a lot of work by community people to try to determine what is going to be the impact to this community. This is a good opportunity to get this thing up front, make sure we understand everything that's going on. We can listen to the applicant's observations, we can look to other information, objective information like Tim presented tonight. But we need

1 Moore/Lisa Byrne

2 to make sure we take the time to fully
3 understand this now. Not wait until
4 this process gets way down the road.

5 And I guess the other thing I really
6 am struggling with, I don't think you
7 can look at this annexation alone. The
8 applicant's own attorney in her letter,
9 states the rezoning will also facilitate
10 the development of Mirbeau's expansion
11 project, that includes the banquet
12 facility, an additional lodging room.
13 That to me is a connectivity that's
14 being talked about. So to do the
15 annexation without addressing all these
16 other things I just completely disagree
17 with. Thank you.

18 CHAIR SENNETT: Is there anyone else
19 who would like to speak in opposition?

20 LISA BYRNE: Hello. Would you
21 please, Lisa Byrne, 850 Franklin Street,
22 could you please explain in writing how
23 the proposed annexation and expansion
24 plan will not have a negative impact on
25 the environmental conditions of the pear

1 Buff

2 trees and habitat that currently sits on
3 both sides of the property near Route 20
4 and in the back portion of the property.
5 Thank you.

6 CHRIS BUFF: Chris Buff, East
7 Street. I don't think it was addressed
8 how this might affect the Town tax base
9 with the two percent tax for funding,
10 you know, upkeep on the roads, other
11 municipality responsibilities. I kind
12 of would like to hear about that in the
13 future.

14 Also, did I hear right, the Town
15 approached you, Mr. Dower, to start this
16 or? That's what I believe you said to
17 start this, they came to you?

18 CHAIR SENNETT: I had called up when
19 I was first elected.

20 MR. DOWER: Should I respond? I'd
21 be happy to.

22 CHAIR SENNETT: I did ask him --

23 MR. DOWER: As I mentioned, this has
24 been an ongoing dialogue for many years.
25 The original approach was by Supervisor

1 Roney

2 Pavlus, who asked us to get involved;
3 and then from there one thing lead to
4 the other. The most recent effort was
5 by the new Town Supervisor, who
6 investigated and got to understanding
7 of the situation and approached me to
8 find out more about what was happening
9 or in her case not happening with regard
10 to the existing properties. And we
11 brought the Town Board up to date.

12 At that point we identified both the
13 Town and Village leadership, that one of
14 the things that they should consider is
15 an annexation issue. And if they were
16 comfortable considering that then we
17 would try to put a plan together.

18 CHAIR SENNETT: Terri?

19 TERRI RONEY: I'm Terri Roney, I
20 live at 2405 Wave Way. My mother-in-law
21 lives at 876 Franklin Street, which was
22 two of the photographs shown on the
23 slide by Tim. And I just want to say
24 she is opposed to the project. She's
25 had a lot of sheet runoff and issues

1 Roney/White

2 with her property. So she could not be
3 here tonight, she's 82 and-a-half years
4 old.

5 STEVE WHITE: Steve White, 20 State
6 Street, also have a building down in the
7 main part of the Village at 18 East
8 Genesee Street. In the interest of full
9 disclosure I've been a friend of Gary's
10 somewhere in the neighborhood of 50
11 years, done a lot of business with him
12 in one form or another. And I am the
13 beneficiary of quite a lot of business
14 from Mirbeau. I've done lots of things
15 with Gary over the years, I think he's a
16 pretty reasonable guy.

17 I think some of what he proposes in
18 this thing is totally inappropriate; and
19 I think some is pretty neat. I don't
20 think six units on Fuller Street makes a
21 whole lot of sense to me. And I'm not
22 sure the banquet facility, as proposed,
23 is fair to the people that live back
24 behind it where it's to back up to him.
25 But I also think if you put together a

1 White
2 committee with Gary and his developers
3 and some people from the Village and the
4 Town you can come to a reasonable thing.
5 He's a pretty reasonable guy. Worked
6 with him in many instances. And I think
7 the possibilities, as the other people
8 mentioned, are huge.

9 I also have an awful lot of friends
10 who live just across Fuller Street on
11 the low side, and none of what I heard
12 tonight gave me any confidence that the
13 drainage problem going across that
14 street would come close to being solved.
15 And I would like to see that addressed.
16 But I think Gary will come up with
17 something along with everybody else that
18 will make pretty much everybody happy if
19 they work at it. Thank you.

20 CHAIR SENNETT: Is there anyone
21 else?

22 STEVE BYRNE: Steve Byrne, 850
23 Franklin Street, which is just a couple
24 houses north of the Mirbeau property.
25 And I just have a question. Can you

1 S. Byrne/DuBois

2 please explain to me in writing how the
3 additional requirements for sewer
4 capacity for both areas of the expansion
5 would have no negative impact on the
6 wastewater treatment plant in the
7 Village and Town residents?

8 CHAIR SENNETT: Was there another
9 hand back there?

10 ELAINE DuBOIS: Elaine DuBois, 4
11 Fuller Street. I was wondering if there
12 is anything else that could be done to
13 improve the look of the property without
14 it being annexed? So under current, you
15 know, zoning and everything.

16 And I also have another question for
17 you, about the electricity. Given that
18 the set amount of inexpensive
19 electricity that is allocated to the
20 Village, I would like it better explained
21 how expanding one of the large
22 electricity users will not reduce the
23 proportion of available cheap electric
24 to the Village residents? Thank you.

25 CHAIR SENNETT: Is there anyone else

1 Ramsgard

2 wishing to speak in opposition?

3 ANDREW RAMSGARD: Andrew Ramsgard,
4 181 East Genesee Street. I think a lot
5 of people know I was the architect for
6 Mirbeau. And I can say 15 years later
7 I'm still very proud of how well it's
8 done and how truly it's really become a
9 part of the selective identity of
10 Skaneateles.

11 Probably a lot of people don't know
12 that I was also not only the architect
13 but I was also Gary's partner and owner
14 of Mirbeau. And in developing the
15 concept for the project I also helped
16 engineer the process of annexation from
17 the Town into the Village from Mirbeau
18 with Gary and our attorney from Bond
19 Schoeneck & King, Steve Johnson. I
20 don't know if Steve still practices
21 anymore.

22 MS. BENNETT: He retired.

23 ANDREW RAMSGARD: Back in 1997 we
24 began the process of design, and then
25 within a few months we had talked to Don

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Ramsgard

Price and Bill Pavlus who was the Town Supervisor with the idea of annexing the property. And working actually a parallel track of the coordinated review with both the Town and the Village.

However, that idea was very soon rejected in a discussion with our attorney Steve Johnson, Mike Byrne and Bob Liegel. Bob Liegel's legal opinion at that time was the project should be approved by the Town rather than by the Village. Because the Village lacked jurisdiction until annexation was complete.

They further reasoned that the process would go along a lot further in nullifying all the residents objections if it was a sequential process. And it first went to the Town, then it went to the Village, rather than run a parallel track. Accordingly, made our submission to the Town, and as part of their normal review process. The political process of annexation was incredibly detailed

1 Wellington (Card)
2 this process as proposed is so
3 dramatically opposite of the procedures
4 we went through in 1998 for the
5 annexation.

6 CHAIR SENNETT: Thank you.

7 ANDREW RAMSGARD: How is this
8 process in 2015 going to benefit the
9 Town or the Village or the entire
10 community as a whole, better than it did
11 back in 1998? Thank you.

12 CHAIR SENNETT: Do you have the mic?

13 ALLAN WELLINGTON: Allen Wellington,
14 I'm the Highway Superintendent of the
15 Town of Skaneateles. I don't wish to
16 express an opinion. I have a letter
17 from the former Highway Superintendent
18 James Card, I can read that.

19 "To the members of the Town Board:
20 I have been asked to give my opinion and
21 a little history of the drainage
22 problems associated with the Mirbeau
23 annexation.

24 First the history. When the Town
25 and school decided to purchase the

1 Wellington (Card)
2 PennySaver property in 2003 to renovate
3 for the combined garages we realized
4 there were drainage issues to be
5 addressed. In addressing these issues
6 we enlarged the retention basin area by
7 three to four times the original area.
8 We also installed a manhole at the
9 exhaust end to control the amount and
10 speed of water exiting the basin. The
11 manhole was a 12 inch pipe which
12 exhausts downstream. A side note, this
13 new basin has never overflowed its banks.

14 Surface water from the Kwik Fill,
15 Hilltop Restaurant and highway-bus
16 garage parking lots are directed through
17 this 12 inch pipe to the basin.

18 In 2008, in an effort to relieve
19 flooding issues with houses on Franklin
20 Street, we excavated the original out-
21 ditch across the Mirbeau property, which
22 was very shallow, and installed an 18
23 inch pipe down to the second catch basin,
24 which is on Franklin Street across from
25 the Scriven property. The 18 inch pipe

1 Wellington (Card)

2 will handle 2.24 times the water that
3 can be exhausted from the 12 inch
4 exhaust pipe out of the manhole.

5 We then installed a stone lined
6 sluiceway over the top of the pipe, to
7 capture free running water from
8 Rosalie's and the back of Mirbeau. I
9 believe this has proven to be sufficient
10 to handle any and all water coming from
11 the very top of the hill.

12 Unfortunately, my efforts failed to
13 get drainage improvements on Route 20,
14 when engineering was designing, the
15 Western Gateway Project failed, and we
16 missed our chance to relieve some of the
17 water flow from the very top of the
18 hill. I believe Superintendent
19 Wellington can supply photos to
20 demonstrate some of the past water
21 issues.

22 Now, my opinion. There should be no
23 further development or annexation on
24 Mirbeau or Rosalie's properties until
25 runoff water is addressed and achieved.

1 Williams

2 Although the Town is required to
3 maintain the drainage line, I don't
4 believe the Town should take full
5 responsibility. James P. Card, Highway
6 Superintendent, retired." Thank you.

7 CHAIR SENNETT: Will you get us a
8 copy of that?

9 DEB WILLIAMS: Deb Williams, 3168
10 Rickard Road. I think we're putting the
11 cart before the horse here. We have a
12 Comprehensive Plan that's been worked on
13 for quite some time now, and I don't
14 understand why we can't finish that
15 before we consider annexing this property.

16 I have some concerns about why other
17 people have not been allowed, based on
18 sewer capacity, for annexation. They
19 have been denied in the past. I would
20 like to have that explained to me in
21 writing why they have been denied,
22 because of reasons of capacity.

23 I would also like you to explain to
24 me in writing the engineering firm and
25 their associated credentials that were

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Batlle

retained for the Environmental
Assessment Form.

And please explain to me in writing
the value, terms and conditions of the
bond that is required by the Petitioner
to cover the liability for the Village
when they start construction on former
New York State DEC's spill site. Thank
you.

CHAIR SENNETT: Is there anyone else
who wishes to speak?

JORGE BATLLE: Jorge Batlle, 818
Franklin Street. I have a comment.
Neighbors are expressing their concerns
about safety on Franklin Street. One of
the things the Village and the Town
Boards, actually the Town Board can do,
is to limit the through traffic of
construction vehicles that roar up and
down the street constantly. We are a
shortcut from one end to the other, and
it's dangerous and somebody is going to
get hurt.

CHAIR SENNETT: Is there anyone else

1 Ferris

2 wishing to comment?

3 NORMA FERRIS: Norma Ferris, live
4 directly across the street where the
5 proposed houses are to be built. My
6 home was one of three that was in the
7 plume. The two houses next to me were
8 bought by the gasoline company. And my
9 home continues to have a monitoring well
10 although it's not monitoring now.

11 I feel that if this project goes
12 deep enough, there are underwater creeks
13 that run down Highland Street in back of
14 those homes. And this can contain
15 contaminants that could be dislodged
16 from the bulldozing and removing of that
17 hill and filter. Also there are only
18 three houses on Fuller Street. If you
19 allow for the Pocket Park I don't see
20 how you're going to put six homes in
21 that space.

22 Also these homes will be built
23 directly on the sidewalk. Meaning
24 virtually no front yard. And seeing
25 that this road is so heavily trafficked

1 Ferris

2 I just can't imagine allowing for
3 additional parking. And they say young
4 families. I would not want my young
5 family to be that close to a busy
6 highway road like this. Thank you.

7 CHAIR SENNETT: It is there anyone
8 else who wishes to speak?

9 TRUSTEE LANNING: Can I make a point
10 of clarification?

11 CHAIR SENNETT: Yes.

12 TRUSTEE LANNING: My reason for
13 wanting to not open the public hearing
14 tonight in this dialogue, we've got a
15 lot of work to do, highway traffic,
16 sewer, a lot of impact. I think it's
17 important for people to understand if a
18 decision is not made within 90 days it
19 becomes an automatic yes to this
20 proposal. 90 days is a pretty short
21 period of time.

22 CHAIR SENNETT: All right, hearing
23 no further comments, I would like to
24 respond, Jonathan and Donna both asked
25 about letters. And there will be a 10

1 Ferris
2 day period during which we will accept
3 written comments. So those comments
4 need to get to either the Village Board
5 or Town Board by March 9, at 4 o'clock.
6 So you've got ten days in which we'll
7 accept comments. Hearing no further
8 comments I would ask for a motion to
9 close the public hearing.

10 TRUSTEE JONES: I'll make that
11 motion.

12 CHAIR SENNETT: Do I hear a second?

13 COUNCILOR BRACE: I'll second.

14 CHAIR SENNETT: All those in favor?
15 Any opposed?

16 TRUSTEE LANNING: Yes.

17 CHAIR SENNETT: Okay, the motion has
18 been carried. The one other thing on
19 the agenda, if anybody is interested, is
20 the last item is the SEQR process. And
21 I would just ask for a little guidance
22 from our Town Attorney, Tom Taylor, on
23 the SEQR process.

24 MR. TAYLOR: I'm happy to do that,
25 Supervisor. First I just wanted to make

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Attorney Taylor

two comments if I could have that privilege. I think Mr. Johnson, if I misspoke I apologize for that, I didn't mean to suggest that this meeting was not, we were not to consider the development. That's why he wants the annexation. What I meant to convey, and I apologize if I didn't do that clearly, was that we were not here to approve or disapprove the particular project. We were not going to talk about setbacks and impermeable surfaces and like that. That is within the province of the Planning Boards of either the Town or Village depending on which way this goes, so I apologize if that wasn't clear.

The second thing is that there was discussion about how quickly this thing is moving. The timelines on this are set by statute. They're not anything that the Town or the Village can control. Once we receive a petition we have to file or schedule a public hearing within 20 days and hold that

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public hearing within 40 days, if I have the dates on that right. And then make a decision within 90 days. That's something that's set by state law. It's not a local law. So our hands are tied on that. As I say, once the clerks for the Village and the Town receive the petition, that started the clock rolling by operation of the state.

With respect to SEQR, one of the, either the Town or the Village is going to have to declare itself as the lead agent. The Petitioner has asked that the Village declare itself as the lead agent. I've had discussions with Mr. Byrne, the Village Attorney, and I think the Village will consider that at the next meeting, at the Village's next meeting. If they do determine to be the lead agent it would be a coordinated review, meaning that the Town would still have input into the SEQR process.

And as the Supervisor indicated, we received a letter late this afternoon

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from the Department of Transportation that has also asked to be an involved agency. And once one of the Boards has declared itself lead agent, there will have to be notification to all agencies that may have a possible interest, and they can join in as an involved agency and participate in the coordinated review.

CHAIR SENNETT: Okay, we've covered our agenda, I need a motion to adjourn.

COUNCILOR MURRAY: Like to make a motion to adjourn.

TRUSTEE JONES: Second.

CHAIR SENNETT: All in favor? Any opposed? Thank you all, very much.

[Joint Public Hearing Adjourned].

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C E R T I F I C A T E

This is to certify that I am a
Certified Shorthand Reporter and Notary
Public in and for the State of New York,
that I attended and reported the above
entitled proceedings, that I have
compared the foregoing with my original
minutes taken therein and that it is a
true and correct transcript thereof and
all of the proceedings had therein.

John F. Drury, CSR

Dated: March 2, 2015