

**RESOLUTION CONDITIONALLY APPROVING CRESCENT WAY FINAL SUBDIVISION
PLAT, LOCATED AT 46 AND 50 SOUTH STREET, VILLAGE OF TRUMANSBURG**

WHEREAS, the Village of Trumansburg Planning Board ("**Planning Board**") received an application for site plan approval and an application for preliminary subdivision review on December 14, 2017 (together, the "**Preliminary Applications**") from Ithaca Neighborhood Housing Services and Sundial Property Development, LLC/Claudia Brenner (together, the "**Applicants**") for the development of a residential/mixed-use/mixed-income residential project on a 19±-acre parcel of property located at 46 South Street in the Village of Trumansburg ("**Village**"), New York, and later also including an adjacent parcel located at 50 South Street, in the Village, Tax Parcel Numbers 8.-3-2.2, 9.-1-2 and 9.-1-4 (collectively, the "**Site**"), consisting of 17 market rate for-sale units, 10 affordable for-sale townhomes, 6 affordable rental townhomes, 40 affordable rental apartments in a two story elevator building, and a stand-alone nursery school (individually and collectively, the "**Project**"); and

WHEREAS, the Planning Board adopted a Negative Declaration for the Project pursuant to the State Environmental Quality Review Act ("**SEQRA**") and the provisions of the Trumansburg Village Environmental Quality Review ("**VEQR**") on October 25, 2018, and issued conditional approvals of the Preliminary Applications on October 24, 2019; and

WHEREAS, the Applicants prepared a draft Final Subdivision Plat dated February 14, 2020 and, at the direction of the Planning Board, submitted it to MRB Group, the Village Engineer ("**Village Engineer**"), and the Village Zoning Officer ("**Zoning Officer**") for purposes of a preliminary review, and by letters dated: (i) February 25, 2020, MRB provided comments on the Final Subdivision Plat dated February 14, 2020 ("**MRB Final Plat Comment Letter**"), requesting certain additional information be included in the draft Final Subdivision Plat prior to submission of the Final Plat to the Planning Board; and (ii) March 4, 2020, the Zoning Officer provided comments on the draft Final Subdivision Plat ("**Zoning Officer Final Plat Comment Letter**"), finding that Applicants materially implemented the conditions capable of satisfaction (including as specified in paragraph 4(a) of the preliminary approvals), noting that the Final Subdivision Plat submission was in substantial agreement with the Preliminary Subdivision Plat, that any remaining conditions in the conditional approval could and should be addressed in the Final Subdivision Plat approval (if approved), and thus recommending, subject to any additional comments of the Village Engineer, that the draft Final Subdivision Plat be approved; and

WHEREAS, on March 6, 2020, Applicants submitted an application to the Planning Board for review and approval of the Final Subdivision Plat ("**Final Plat Application**"), which included: a revised Final Subdivision Plat, dated March 6, 2020; the Planning Board's October 24, 2019 resolution conditionally approving the Preliminary Applications; the MRB Final Plat Comment Letter; a copy of the draft Stormwater Operation, Management and Reporting Agreement ("**SOMRA**"); and the Zoning Officer's draft Final Plat Comment Letter; and

WHEREAS, MRB thereafter reviewed the Final Subdivision Plat dated March 6, 2020 and, in a letter dated March 13, 2020, advised the Planning Board that all of its comments from the MRB Final Plat Comment Letter had been addressed, including as to the approval by Village engineers and counsel as to the form of the SOMRA; and

WHEREAS, the Applicants appeared through the Zoom meeting service at a special meeting of the Planning Board held April 9, 2020 which was duly noticed and posted to the Village Website and was accessible to the public via a live stream and has been recorded consistent through the Zoom meeting service or by conference call consistent with directives of the Office of the Governor of New York State for holding public meetings during the COVID-19 pandemic, and after careful consideration of the criteria and standards set out in the applicable laws and regulations, and the Project Information as herein defined including the Final Subdivision Plat, dated March 6, 2020, as well as input from MRB, Village officers and employees, and other experts and consultants hired and relied upon by the Village, the Planning Board now desires to conditionally approve the Final Subdivision Plat; so

NOW THEREFORE, BE IT DETERMINED AND RESOLVED BY THE PLANNING BOARD AS FOLLOWS:

1. The Final Subdivision Plat, dated March 6, 2020, is hereby determined and declared to be in substantial agreement and compliance with the Preliminary Plat (and its conditions of preliminary approval, including those as were intended, or are now determined, to carry-forward into the final approval), as previously approved by the Planning Board on October 24, 2019. The Planning Board further determines that the Final Subdivision Plat is substantially equivalent to the Final Preliminary Plat as was submitted to the Village and made the subject of a further public hearing, as was duly noticed and held upon August 29, 2019. Therefore, pursuant to Zoning Ordinance of the Village of Trumansburg § 442, the Planning Board hereby determines that purposes and requirements pertaining to the question of whether another public hearing is required demonstrate that another public hearing is not here required, including per all requirements of said § 442, and therefore in accordance therewith and with NYS Village Law § 7-728(6)(b) (the Planning Board duly finding that § 7-728(6)(d) is not applicable per these findings and the recitations above, which shall be a material part of these resolutions), no public hearing is required or shall be conducted.

2. The findings and declarations contained in the resolution conditionally approving the Preliminary Applications are, to the extent applicable or not herein amended or superseded, incorporated herein by reference including, without limitation, the waivers and findings and declarations respecting roadways, open space, parks and recreation, blocks, and landscaping and buffers, as well as findings relating to SEQRA/VEQR, site suitability, and congruence with comprehensive and master planning. The Planning Board has caused the FEAF Parts 2 and 3, and any related findings statements, to be re-reviewed in respect of the various mapping and other changes in the Final Subdivision Plat, including changes made to comply with conditions of the Preliminary Subdivision Plat and Preliminary Site Plan approvals, as well as changes made to address and respond to matters raised in the MRB Final Plat Comment Letter, and has found that these changes do not individually or cumulatively cause any new impacts, or cause (individually and cumulatively) any impact previously deemed non-existing or minor to be, become, or have the potential to become a moderate or significant negative impact. Therefore, the Planning Board further finds and declares that: (i) such changes are in material compliance with preliminary approval conditions, including to mitigate any actual or potential negative environmental impacts; (ii) there is accordingly no change in analyses and thus no need for any supplemental SEQRA/VEQR review; and (iii) the existing SEQRA/VEQR findings and negative declaration be and hereby are continued.

3. The Final Subdivision Plat dated March 6, 2020, as contained in the Final Plat Application, be and hereby is approved, and the Chair of the Planning Board is authorized and empowered to sign, endorse, and seal the Final Subdivision Plat upon completion of the following conditions, and this conditional approval of the Final Subdivision Plat shall expire one hundred and eighty (180) days after the approval of this resolution unless the Planning Board grants an extension (if warranted in the discretion of the Planning Board, and not more than two additional 90-day extensions shall be granted):

a. **Project Infrastructure Costs.** Applicants shall submit an estimate prepared by a New York State licensed engineer and sealed accordingly, as to the construction costs of all roadways, sidewalks, pathways and trails, public amenities, erosion and sediment controls, landscaping, public lighting, stormwater infrastructure, guide rail, and culverts (collectively "Project Infrastructure"), which calculation may be reviewed and revised by the Zoning Officer based upon DPW, Village engineering input, or other sources as determined reliable by the Zoning Officer, and a final number shall be set forth by the Village as to the cost of such amenities and improvements as are to be dedicated ("Engineering Calculation"). For purposes of the Engineering Calculation, "Roadways" shall include all grading, lanes, curbs, culverts and related infrastructure, including sidewalks, walkways, and all utilities and appurtenances necessary to obtain building permits or certificates of occupancy.

b. **Sewer Permit Approval.** Applicants shall receive approval from New York State Department of Environmental Conservation ("DEC") and the State and Tompkins County Health Departments (together, the "DOH") for the proposed sanitary sewers servicing the Project. Such approvals shall be filed with the Village prior to the issuance of building permits or certificates of occupancy.

4. Applicants shall file the Final Subdivision Plat with the Tompkins County Clerk within sixty (60) days of the date upon which the Chair of the Planning Board signs the Final Subdivision Plat, and the following conditions and requirements shall apply to this subdivision and the approval thereof:

a. **Meetings/Communications with Village.** Prior to commencement of construction activities and the issuance of building or ground disturbance permits or approvals, a preconstruction meeting is required with and between Village Staff (CEO, Engineer, Zoning Officer, Planner, etc.), Applicants' contractors, and any utility providers. All other project meetings, whether safety, toolbox, or construction planning meetings shall be the subject of specific notice to the Zoning Officer at least 72 hours prior to such meeting, and the Village may designate one or more representatives to attend such meetings to follow construction progress, implement inspections and required inspection schedules, address safety issues and construction complaints, and to maintain general communication with Applicants and their agents, as well as to keep the Village reasonably apprised of all issues as may affect these approvals and conditions, each and all of which may be discussed or enforced by the Village at any time, whether at or after such meetings or otherwise. This condition shall terminate upon the completion of Project Infrastructure, the conclusion of construction activities, and the issuance of the last certificate of occupancy for the last building, but will not apply to the market-rate homes or lots.

b. **Sewer System Construction.** No certificates of compliance or occupancy shall be applied for or delivered until, upon a building-by-building basis: (i) all sewer permits and approvals have been

duly obtained and the sewer properly installed; (ii) all as-built mapping is submitted to and reasonably approved by DPW, on advice of the Village Engineer, and duly approved by the Planning Board as required by Subdivision requirements at § 450; and (iii) such system and appurtenances are tested and operational and duly dedicated as required.

c. **Water System Construction.** No certificates of compliance or occupancy shall be applied for or delivered until, upon a building-by-building basis: (i) all water system permits and approvals have been duly obtained and the water service properly installed; (ii) all as-built mapping is submitted and reasonably approved by DPW, on advice of the Village Engineer; and (iii) such system and appurtenances are tested and operational and duly dedicated as required.

d. **Roadway Construction and Dedication.** No certificates of compliance or occupancy shall be applied for or delivered until all highways and roadways, and their appurtenances (including but not limited to curbs, gutters, culverts, monuments, signage, intersections, grades, turn radii, turnarounds, and construction requirements) are: (i) completed per plans and to the reasonable approval of DPW and the Village Engineer; (ii) as-built mapping of the same is submitted and duly approved by Village DPW; and (iii) such roads and infrastructure are inspected and accepted for dedication (as required) by the Village Board of Trustees. Without affecting any dedication proposal, the Village may elect to delay pavement top-coating for up to 6 months to protect the roadways from ongoing construction impacts, and such determination shall be made by DPW and approved by the Village Zoning Officer upon such terms as the Village may elect.

e. **Maintenance Guarantee.** Prior to the start of construction, the Applicants shall provide a one-year written maintenance guarantee on all Project Infrastructure (including landscaping), upon such terms as reasonably required by the Village, with roadway timelines to be measured from the date of final top-coating (such maintenance guarantee shall not include snowplowing or other maintenance related items not related to the design and installation of Project Infrastructure). Such maintenance guarantee shall run from the date of project completion and the issuance of the last certificate of occupancy, but not including or for the market rate lots/units.

f. **General Signage and Labelling.** Applicants shall install all required road and wayfaring signage as directed by the Village DPW or Zoning Officer. All signage shall meet NYS DOT requirements, including as may be set forth in the MUTCD. Applicants shall assure proper building labelling relative to trusses, fire access, and addresses, including with input and approvals from the Village Code Enforcement Officer and any applicable fire department, fire chiefs, and Tompkins County 911.

g. **Stormwater.** Prior to engaging in significant ground disturbances or the issuance of building permits, the Applicants shall apply for and obtain coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, or latest revision thereof, through the submission of a Notice of Intent (NOI) to NYSDEC for their review and approval, and shall provide the NYSDEC Acknowledgement Letter to the Village and the eNOI submission as proof of coverage. All stormwater management facilities shall be constructed per the approved final plans and final SWPPP as part of Phase 1, and prior to certificates of occupancy being granted. In addition, the following stormwater requirements and conditions shall apply:

1. All stormwater improvements and conveyance, treatment, or management areas shall be built, installed, and managed in accordance with the Project's approved SWPPP and the terms and conditions of any NYS DEC SPDES permits, each and all of which shall be deemed minimum standards for purposes of this approval. All changes to the stormwater plan or the Final SWPPP shall be approved by the Village Engineer, and such changes and approvals shall be documented, if and as required, in an updated Final SWPPP and updated NOI/SPDES permit.
2. Prior to installation of the bioretention facilities, the Applicants shall submit soil testing results/reports to the Village Engineer for review and approval of the soil media. Such testing results/reports shall demonstrate substantial compliance with the requirements of the approved SWPPP, or other specification approved by the Village Engineer.
3. Prior to obtaining any building permits, Applicants shall execute and file as a land record at the Tompkins County Clerk's Office (indexed to the deeds for Project parcels) a stormwater operation, management, and reporting agreement (a "SOMRA"), in a form as approved by the Village. The SOMRA shall provide for: (i) continuous management, maintenance, repair, and upgrades of and to stormwater facilities and systems not being dedicated to the Village; and (ii) enforcement and collection terms.
4. Prior to issuance of the NOT ("Notice of Termination") to NYSDEC terminating coverage under the SPDES Permit, a final inspection of the site is to occur with Village Staff and the Village Engineer, and an approval by the Village Engineer shall be provided prior to NOT issuance or permit close-out.

h. Surety or Completion Bonds, Irrevocable Letters of Credit, Other Security. For Project Infrastructure, and prior to issuance of any approvals for ground disturbances for construction activities or building permits, Applicants shall supply a completion, performance, or surety bond, an irrevocable Letter of Credit ("LOC"), or cash Security in escrow pursuant to escrow terms approved by the Village (any and each of the foregoing, individually or in combination being the "Security"), in an amount 15% greater than the Engineering Calculation, as defined above, (such increase to cover contingencies, cost increases, and inspection fees). Applicants shall provide Security through a NYS licensed surety or insurer as reasonably approved by the Village. The Village shall be named as a beneficiary, payee, and covered party in any Security documents or instruments, and such Security shall provide for the completion of all aforesaid Project Infrastructure and supporting improvements, or funds to pay therefor (such as, but not limited to, the default of Applicants). If the Security posted or provided is a LOC, such shall be written upon either UCG Uniform Letter of Credit Terms or ISP98 standards, require that transfer and use fees are not drawn from the LOC, provide that the LOC be drawn down by a simple demand process or a sight draft in reasonable form, and provide an evergreen clause to bridge any LOC term limits until the earlier of infrastructure completion or dedication of such improvements. All LOC terms and requirements may be altered or waived, or equivalent terms may be substituted therefor, as reasonably determined by the Village. Applicants may terminate the Project in their discretion, including for infeasibility or a lack of funding (or other reason), and upon the filing of a written,

irrevocable surrender of site planning rights and approvals and the merger of subdivided parcels back into three lots for tax billing and use rights purposes (8.-3-2.2, 9.-1-2 and 9.-1-4), Applicants will be relieved of the Security obligation (or the Village will surrender the same, if already posted or provided), as well as other requirements of this conditional approval, but in all cases subject to proper permit close-outs and the filing of a NOT.

i. **Lighting.** All lighting, and its luminaries and fixtures, shall: (i) comply with cut-sheets, diagrams, and submitted materials and diagrams, or equivalents; (ii) comply with all Site Plan approval conditions; (iii) be down cast, dark-sky compliant or equivalent fixtures that substantially comply with the lighting and photometrics plans (L103, and L109-L112); and (iv) provide and produce spectrum emissions in the 3K-5K Kelvin range, featuring yellow and white-based perceptible illumination. All materials that are proposed as equivalents shall bear appropriate IDA and spectrum ratings or otherwise be subject to the reasonable approval of the Code Enforcement Officer or Zoning Officer, including reviews at the time any building permit is applied for or any certificate of occupancy issued. The Project's market-rate lots' exterior lighting fixtures shall be approved for down cast, dark-sky compliant or equivalent fixtures on a case-by-case basis at the time such market-rate lots are developed.

j. **Easements.** The final form of any easement and all easement descriptions shall be set forth in the SOMRA or in a document otherwise agreed to and approved by the Village. Each such easement and easement description must be duly executed and filed with the Tompkins County Clerk in a form as the Village may reasonably require, prior to dedication of required infrastructure, or as applicable, issuance of building permits or certificates of occupancy, in each case as determined by the Zoning Officer.

The question of the adoption of the foregoing resolution was offered by Planning Board Member John Ullberg and seconded by Planning Board Member Hannah Carver at a special meeting of the Planning Board held upon April 9, 2020. Following any discussion thereupon, the following roll call vote was taken and recorded:

Hannah Carver - Aye
Stephanie Bailey - Aye
Richard Geiger - Aye
John Ullberg - Aye
Jessica Giles - Aye

This resolution was adopted.

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY THE TRUMANSBURG VILLAGE BOARD OF TRUSTEES AT A BOARD MEETING HELD ON APRIL 9TH, 2020.

WITNESS MY HAND AND SEAL OF SAID VILLAGE THIS 13th DAY OF APRIL, TWO THOUSAND TWENTY-TWO.

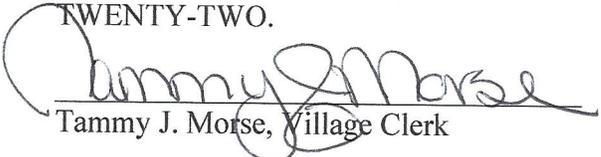

Tammy J. Morse, Village Clerk

Exhibit A

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

- (1) All items listed in Exhibit A to the conditional approval of the Preliminary Applications dated October 24, 2019;
- (2) Applicants' Final Subdivision Plat Application including the following:
 - (a) Final Plat dated March 6, 2020;
 - (b) Resolution Conditionally Approving Crescent Way Subdivision Preliminary Plat and Conditionally Approving Preliminary Site Plan for Development of Crescent Way at 46 and 50 South Street, in the Village of Trumansburg dated October 24, 2019;
 - (c) MRB Final Plat Comment Letter dated February 14, 2020;
 - (d) Zoning Officer Final Plat Comment Letter dated March 4, 2020; and
 - (e) Draft SOMRA.
- (3) Letter from MRB Group with Comments on Final Plat Application dated March 13, 2020.