Town of Cortland

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January 31, 2019

TO: Planning Commission

FROM: Anna B. Kurtzman, Zoning Administrator ABK

SUBJECT: Minutes/Findings of Fact from January 3, 2019 meeting

As you know the January 3, 2019, meeting generated significant discussion and included modifications to staff's proposed Findings of Fact. Staff has done our best to capture the Commission's modification. Before approving the minutes it is very important that you re-review the Finding of Fact section in particular to make certain we have indeed made the appropriate modifications.

There are a couple of areas in particular that we like to ensure accuracy: 9-10-3B, 9-7-5C, and 9-7-5G. In each of these case either Ms. Aldis and my notes on the specific language differs and/or we have notes indicating a desire for modification without specific language being noted.

In addition to the three sections listed above Ms. Aldis and I believe that some clarification language for Section 9-7-5B might be appropriate. This section of Code asks if a trust indenture has been established for any common land within a Planned Unit Development (PUD). The statement which was made, and approved, is: *"Trust indentures for common land is not appropriate at this time as no common land is contemplated."* The Town Code does require common land to be set aside in a PUD when there are residential units. As noted in the Findings of Fact section 9-7-5A, a trust indenture would be accessed at the time of Final Plan approval. A similar statement should also be included with the response to 9-7-7B.

I have spoken to Kevin Buick, the Town's Attorney, and he has indicated that if the Commission is in agreement, clarification language can be made at this stage. If you are in agreement, then I would recommend that the response to Section 9-7-5B should read: *"Trust indentures for common land is not appropriate at this time as no common land is contemplated. When common land is provided, a trust indenture shall be established prior to the approval of the Final Planned Unit Development Plan."*

/abk

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