

Kenneth C. Riscica

From: info@plandomeheightscivic.org
Sent: Tuesday, January 26, 2021 2:32 PM
Subject: IMPORTANT: Proposal to eliminate PH Village Planning Board

Dear Members and Residents,

IMPORTANT: The Village will be hosting a Public Hearing on Monday, February 1, 6pm to discuss the proposed elimination of the Village's independent Planning Board and the transfer of its powers to the Board of Trustees. This is an important decision that deserves more transparency and resident input as well as thorough evaluation of the pros and cons.

We encourage you to attend the Public Hearing remotely via Zoom videoconference. Information on how to participate in the public hearing will be available on the village website, www.plandomeheights-ny.gov, two hours before the meeting.

Background - Function of the Planning Board

- Plandome Heights has three types of Boards – The Board of Zoning Appeals (BZA), the Architectural Review Board (ARB) and the Planning Board. The BZA considers requests for variances to our zoning laws, the ARB reviews building plans to keep our homes in character with our neighborhood, and the Planning Board considers requests to subdivide properties into smaller sizes. Members of the three boards are appointed by the Mayor and the board of trustees to staggered five-year terms. All three boards – ARB, BZA and Planning Board are independent boards separate from the Mayor and trustees.
- The function of the Planning Board is to review planned development balancing the public good of the community with the private rights of the landowner. They are completely independent from the board of trustees. The Planning Board is advisory and meets as needed on proposed subdivisions and serving as a guide for future development.

Importance of an independent Planning Board

- Planning Boards are not supposed to be influenced by elected officials. This check and balance is emphasized in Paragraph 3 of NYS Village law 7-718 that governs Planning Boards which stipulates that no person who is a member of the village board of trustees shall be eligible for membership on the Planning Board.
- Decisions of a Planning Board cannot be reversed by the board of trustees. Eliminating an independent Planning Board places too much power in the hands of so few.
- An independent Planning Board avoids the actual or perceived situation where an elected official may want to become a trustee or get votes to influence the creation of a subdivision. This can also protect the Village from potential lawsuits in the case of alleged impropriety.
- The Villages of Plandome, Plandome Manor and Baxter Estates in Port Washington, small residential villages like ours, all have independent Planning Boards. Barbara Donno, Mayor of Plandome Manor has emphasized the importance of villages having independent Planning Boards to avoid appearances of impropriety and potential lawsuits. Three years ago, the Village of Baxter Estates changed to an independent Planning Board, free of their board of trustees. At the time, Mayor Nora Haagenon stated, "An independent planning board is fairer, more independent and less likely to make decisions for political reasons."

Competency of Planning Board Members

- The Village Planning Board has run efficiently since the Village's incorporation in 1929, dealing with subdivisions as they came up. The Planning Board laid out the entire village the way it is now. The Planning Board members have always done due diligence, researched documents, listened to community concerns and visiting the proposed sites prior to meeting and before making any decisions. They are responsible residents, living in the village over 30 years. Former members have included a former mayor, trustee, president of our Plandome Heights Women's Club, and an attorney as well as other professionals. All members can understand technical issues and rely on the expertise of the Building Inspector and Village attorney for advice. If needed they can call other experts, just as the board of trustees does.

- By state law, planning board and zoning board of appeals members are required to obtain four hours of training a year. As such, there is no cost or time saving advantage to replacing our independent Planning Board with our board of trustees. In fact, it will add an additional burden on our volunteer Trustees.

- Projects addressed by our Planning Board in recent years include: a subdivision on Summit Drive, and the transfer of Plandome Pond Park from Nassau County to the Town of North Hempstead which assured it remained a passive park. The Board also provided feedback to the Plandome Village Planning Board on a subdivision on The Terrace that abutted Shore Road in our Village. The Board requested safeguards to protect Shore Road resident properties.

Other considerations

- The appointed term of Planning Board members is five years to provide continuity of planning. Many of our planning board members have served multiple terms. Trustees, as elected officials, have only two-year terms. Elected officials come and go and sometimes are voted out, potentially losing that continuity.

- While most of village property is not eligible for subdivision based on the size of our properties, there are still 12 properties in the Village that can possibly be subdivided - eight designated as low probability because of limited frontage that would require a variance, and four considered high probability. While a small number of properties, Plandome Heights residents and the landowners of these properties should have the same independent consideration as any other property in our Village.

What's the Rush?

- The Civic Association does not understand the urgency of this issue in the middle of the winter, in the middle of a pandemic when in person hearings are not possible. Members of the Planning Board have already received emails from the mayor thanking them for their service, prior to even conducting the Public Hearing. In addition, minutes of the December and January board of trustee meetings have not been posted to the Village website when discussions of this action presumably took place. And as stated in a recent Manhasset Times article, the Chair of the Planning Board never discussed with members his thoughts on dissolving the Planning Board.

- We urge the Board of Trustees to slow down this process. **This is an important decision that deserves more transparency and resident input as well as thorough evaluation of the pros and cons.**

We encourage you to attend the Public Hearing remotely via Zoom videoconference on February 1, 6pm. Information on how to participate in the public hearing will be available on the village website, www.plandomeheights-ny.gov, two hours before the meeting. If you cannot attend, please feel free to email us your thoughts on this matter prior to the hearing at info@plandomeheightscivic.org.

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