

**TOWN OF DANBY
PLANNING BOARD MEETING
DECEMBER 18, 2008**

PRESENT:

Vice Chairperson Ray Van de Bogart

Planning Board Members: Dave Mastroberti, Ted Melchen, Naomi Strichartz, Olivia Vent

ABSENT:

Anne Klingensmith and Robert Roe

Others Present:

Carol Szczepanski - Secretary

Susan Beeners - Code Enforcement Officer

Members of the Public

Norbert Nolte, Leslie Connors, Noel Gagnon, Norbert Nolte, Magic Barrett, Eric Stromswold

Vice Chairperson Ray Van de Bogart called the meeting of the Planning Board to order at 7:10 p.m.

Consideration of Public Hearing Matter

Naomi Strichartz is in favor of the proposal to place an additional dwelling located there.

Olivia Vent said that it is low density is in keeping with what is there and provides affordable housing.

Dave Mastroberti said that when the initially came to the board months ago, why it wasn't discussed at that point that there was going to be an additional home.

Norbert Nolte said that the other housing in that area are rented.

Susan Beeners said that this needs a waiver and could not be done by permit. All units have separate septic and wells.

After review the Planning Board passed the following resolutions:

RESOLUTION NO. 9 OF DECEMBER 18, 2008

SEPA DETERMINATION, NOLTE/HOSFORD SUBDIVISION, EAST MILLER ROAD, CONSIDERATION OF GRANT OF WAIVER AND SUBDIVISION APPROVAL

BY NAOMI STRICHARTZ; SECONDED BY OLIVIA VENT

WHEREAS, THIS ACTION IS THE CONSIDERATION OF APPROVAL OF THE PROPOSED SUBDIVISION OF A 3.955-ACRE LOT INTO A 2-ACRE LOT CONTAINING AN EXISTING DWELLING AT 780 EAST MILLER ROAD, AND A 1.955-ACRE LOT FOR CONSTRUCTION OF A NEW DWELLING; WITH THE PROPERTY BEING TAX PARCEL 6.-1-26.231, NORBERT J. NOLTE AND MICHAEL N. HOSFORD, OWNERS; AND FURTHER, THE CONSIDERATION OF GRANTING A WAIVER FROM THE REQUIREMENTS OF PLANNING BOARD RESOLUTION NO. 31 OF 2006; AND

WHEREAS, THE TOWN OF DANBY BOARD OF ZONING APPEALS ON NOV. 24, 2008 GRANTED VARIANCE OF THE 2-ACRE MINIMUM LOT SIZE REQUIRED IN SECTION 600, PARA. 5 OF THE TOWN OF DANBY ZONING ORDINANCE, FOR THIS PROPOSED SUBDIVISION, AND MADE A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE VARIANCE; AND

WHEREAS, THE TOWN OF DANBY PLANNING BOARD IS LEAD AGENCY WITH RESPECT TO THE GRANT OF SUBDIVISION APPROVAL AND THE RELATED WAIVER, WHICH COMPRISE AN UNLISTED ACTION, AND THE PLANNING BOARD

HAS REVIEWED THE SHORT ENVIRONMENTAL ASSESSMENT AND RECOMMENDATION OF THE CODE ENFORCEMENT OFFICER THAT A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE BE MADE;

NOW, THEREFORE, IT IS

RESOLVED, THAT THE PLANNING BOARD, ACTING AS LEAD AGENCY FOR THIS UNLISTED ACTION, MAKES A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE.

**A ROLL CALL VOTE ON THE RESOLUTION RESULTED AS FOLLOWS:
(ANNE KLINGSMITH AND ROBERT ROE EXCUSED)**

MASTROBERTI	AYE
MELCHEN	AYE
STRICHARTZ	AYE
VENT	AYE
VAN DE BOGART	AYE

CARRIED

**RESOLUTION NO. 10 OF DECEMBER 18, 2008
NOLTE/HOSFORD SUBDIVISION, EAST MILLER ROAD, CONSIDERATION OF GRANT OF WAIVER AND SUBDIVISION APPROVAL**

BY NAOMI STRICHARTZ; SECONDED BY OLIVIA VENT

WHEREAS, THIS ACTION IS THE CONSIDERATION OF APPROVAL OF THE PROPOSED SUBDIVISION OF A 3.955-ACRE LOT INTO A 2-ACRE LOT CONTAINING AN EXISTING DWELLING AT 780 EAST MILLER ROAD, AND A 1.955-ACRE LOT FOR CONSTRUCTION OF A NEW DWELLING; WITH THE PROPERTY BEING TAX PARCEL 6.-1-26.231, NORBERT J. NOLTE AND MICHAEL N. HOSFORD, OWNERS; AND FURTHER, THE CONSIDERATION OF GRANTING A WAIVER FROM THE REQUIREMENTS OF PLANNING BOARD RESOLUTION NO. 31 OF 2006; AND

WHEREAS, THE TOWN OF DANBY BOARD OF ZONING APPEALS ON NOV. 24, 2008 GRANTED VARIANCE OF THE 2-ACRE MINIMUM LOT SIZE REQUIRED IN SECTION 600, PARA. 5 OF THE TOWN OF DANBY ZONING ORDINANCE, FOR THIS PROPOSED SUBDIVISION, AND MADE A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE VARIANCE; AND

WHEREAS, THE TOWN OF DANBY PLANNING BOARD, ACTING AS LEAD AGENCY WITH RESPECT TO THE GRANT OF SUBDIVISION APPROVAL AND THE RELATED WAIVER, WHICH COMPRISE AN UNLISTED ACTION, ON DEC. 18, 2008 HAS MADE A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE; AND

WHEREAS, THE PLANNING BOARD ON DEC. 18, 2008 HAS HELD A PUBLIC ON THIS ACTION;

NOW, THEREFORE, IT IS

RESOLVED, THAT THE TOWN OF DANBY PLANNING BOARD GRANTS A WAIVER OF THE REQUIREMENTS OF PLANNING BOARD RESOLUTION NO. 31 OF 2006 RELATED TO THE NUMBER OF LOTS ALLOWED ON THE 2006 PARENT PARCEL, GIVEN THE LIKELY LOW DENSITY OF THE PARENT PARCEL AND OF THE LANDS ADJACENT TO THE PROPOSED NEW LOT; AND DETERMINING THAT IN THE GRANT OF SUCH WAIVER NEITHER A SIGNIFICANT ALTERATION OF THE PURPOSE OF SUBDIVISION CONTROL IS MADE, NOR IS THE POLICY ENUNCIATED OR IMPLIED BY THE TOWN BOARD IN APPROVING THESE REGULATIONS IMPAIRED; AND IT IS

FURTHER RESOLVED, THAT THE PLANNING BOARD GRANTS PRELIMINARY AND FINAL SUBDIVISION APPROVAL TO THE PROPOSED SUBDIVISION OF A 3.955-ACRE LOT INTO A 2-ACRE LOT CONTAINING AN EXISTING DWELLING AT 780 EAST MILLER ROAD, AND A 1.955-ACRE LOT FOR CONSTRUCTION OF A NEW DWELLING; WITH THE PROPERTY BEING TAX PARCEL 6.-1-26.231, NORBERT J. NOLTE AND MICHAEL N. HOSFORD, OWNERS, CONDITIONAL UPON THE APPROVAL OF A FINAL SURVEY MAP FOR SUCH SUBDIVISION BY THE TOWN CODE ENFORCEMENT OFFICER.

**A ROLL CALL VOTE ON THE RESOLUTION RESULTED AS FOLLOWS:
(ANNE KLINGSMITH AND ROBERT ROE EXCUSED)**

MASTROBERTI	AYE
MELCHEN	AYE
STRICHARTZ	AYE
VENT	AYE
VAN DE BOGART	AYE

CARRIED

Omnipoint Communications Proposal Sketch Plan Review

Omnipoint Communications has submitted a proposal for a proposed colocation on the Durfee Hill Road Tower. Their proposal is for six(6) new antennas at a height of 110 feet and related equipment. A representative from Omnipoint Communications described the T-Mobile area that would have improved coverage of telecommunications through much of the area where service is not available. Their service has a back-up generator for service that can be started remotely if power is off. There are four(4) carriers on the tower at this time.

After review of the sketch plan and proposal the Planning Board set a date for a public hearing.

Motion to Set Public Hearing for the Omnipoint Communications Proposal

A motion was made by Olivia Vent and seconded by Ted Melchen that the Planning Board of the Town of Danby set the date of January 15, 2009 at 7:00 p.m. for a public hearing for Omnipoint Communications..

A vote on the motion resulted as follows:

(ANNE KLINGSMITH AND ROBERT ROE EXCUSED)

MASTROBERTI	AYE
MELCHEN	AYE
STRICHARTZ	AYE
VENT	AYE
VAN DE BOGART	AYE

CARRIED

Status Report on Sustainable Revitalization Planning Project

Susan Beeners reported that there will be a report based on comments made at the meeting with the steering committee. A draft plan will be submitted by the consultants in late January.

Training Booklet

The training booklet is in the process of being circulated and still needs to go the Board of Zoning Appeals. Four(4) hours of training is required each year for Planning Board Members and BZA Members.

Appointment of Assistant Code Enforcement Officer

Susan Beeners reported that Russell Klinger has been appointed to the position of Assistant Code Enforcement Officer. He replaces Donna Inman who recently retired.

Recommendation to Town Board for Appointment to Planning Board

A motion was made by Ray Van de Bogart and seconded by Dave Mastroberti that the Planning Board of the Town of Danby recommends the re-appointment of Edward V.(Ted) Melchen to the Planning Board to fill a vacancy on the board.

A vote on the motion resulted as follows:

~~(ANNE KLINGSMITH AND ROBERT ROE EXCUSED)~~

MASTROBERTI AYE

STRICHARTZ AYE

VENT AYE

VAN DE BOGART AYE

CARRIED

Adjournment:

On a motion the meeting adjourned at 8:00.

Carol W. Szczepanski, Secretary
