

**Danby Planning Board  
Public Hearing Minutes  
June 16, 2010**

**Members Present:**

Ted Melchen  
Robert Roe  
Steve Selin  
Naomi Strichartz

**Excused or Absent:**

Anne Klingensmith  
Ray Van de Bogart

**Others Present:**

Pamela Goddard     Town Clerk/PB Secretary  
Susan Beeners       Code Enforcement Officer

**Members of the Public:**

Jim and Toni Iacovelli, Ann Augustine, Tony Augustine, Ted Crane, and one other.

**Call to Order and Designating a Chair for the Public Hearing and Meeting:**

Robert Roe was nominated to chair the meeting by Steve Selin; accepted by general acclamation.

**Public Hearing:** The Public Hearing was called to order at 7:03pm.

Roe read the following published announcement:

*PUBLIC HEARING to consider approval of the proposed subdivision of Town of Danby Tax Parcel 4.-1-41, 55.78 acres total, into a 6.5+/- acre lot with 504+/- feet of frontage and containing an existing dwelling, 548 Troy Rd; and a 49.28+/- acre lot with 50 feet of frontage. The proposal also involves a request to the Board of Zoning Appeals for variance of the minimum 200-foot frontage requirement provided in Sec. 600, Para. 5 of the Town of Danby Zoning Ordinance. Ann V. Augustine, Owner.*

Tony Augustine appeared on his father's behalf. He explained that the family intends to build a single dwelling on this lot. There was no other public input.

**Adjournment:**

The Planning Board Public Hearing adjourned at 7:05 pm.  
Olivia Vent arrived.

**Public Hearing:**

Roe opened the second public hearing at 7:06 pm and read the following published announcement:

*PUBLIC HEARING to consider approval of the proposed subdivision of Town of Danby Tax Parcel 5.-1-11.1, 18.45 acres total, into a 2.5+/- acre lot with 140 +/- feet of frontage and containing an existing dwelling, 1311 Coddington Rd.; and a 15.9+/- acre lot with 90+/- feet of frontage and containing an existing dwelling, 1313 Coddington Rd. The proposal also involves a request to the Board of Zoning Appeals for variance of the minimum 200-foot frontage requirement provided in Sec. 600, Para. 5 of the Town of Danby Zoning Ordinance. Therese Araneo, Owner.*

CEO Beeners noted that there had been a change since the published announcement and that the proposal also includes a request for variance for the 50 foot side yard set back.

Public questions included a request for a definition of "flag lot" and why such a subdivision would be needed. Roe and Beeners explained the shape of the lot and the need to put a driveway in to access the back acreage for a second dwelling. The need for a flag lot is dependent on available road frontage. In this case, there would not be any further development on the property.

There were additional questions regarding flag lots and their implication on future development especially at this location. Variance of road frontage is a controlling factor. Beeners responded as to the intent in both of these cases to keep land open and control future development. There was a general discussion about the special requirements of flag lots.

**Adjournment:**

The Planning Board Public Hearing adjourned at 7:13 pm.

**Planning Board Meeting:**

The Planning Board opened its meeting at 7:14 pm.

Appointing a Planning Board Deputy Chair was added to the agenda.

**Resolution No. 17 of 2010 - SEQRA DETERMINATION, AUGUSTINE MINOR SUBDIVISION, TROY ROAD**

**WHEREAS**, this action is to Consider Granting Preliminary and Final Subdivision Approval for the proposed subdivision of Town of Danby Tax Parcel 4.-1-41, 55.78 acres total, into a 6.5+/- acre lot with 504+/- feet of frontage and containing an existing dwelling, 548 Troy Rd; and a 49.28+/- acre lot with 50 feet of frontage. The proposal also involves a request to the Board of Zoning Appeals for variance of the minimum 200-foot frontage requirement provided in Sec. 600, Para. 5 of the Town of Danby Zoning Ordinance. Ann V. Augustine, Owner; and

**WHEREAS**, this is an Unlisted action for which the Town of Danby Planning Board is legislatively determined to act as Lead Agency for the proposed subdivision, and where the Board of Zoning Appeals is Lead Agency for the requested variance; and

**WHEREAS**, the Planning Board on June 16, 2010 has reviewed the Short Environmental Assessment Form and the Code Enforcement Officer's recommendation that a negative determination of environmental significance be made for this action,

**NOW, THEREFORE IT IS**

**RESOLVED**, that the Town of Danby Planning Board, acting as Lead Agency in environmental review of the proposed subdivision as an Unlisted Action, makes a negative determination of environmental significance.

Moved by Strichartz, Second by Vent. The motion passed.

In Favor: Melchen, Roe, Strichartz, Vent, Selin

There was a short discussion as to the need to subdivide a flag lot with 50 feet of frontage when the original parcel has over 500 feet of frontage. Beeners explained that the land usage, with the current site of a house and pond, does not allow any other way to subdivide this parcel.

**Resolution No. 18 of 2010 - CONSIDER PRELIMINARY AND FINAL SUBDIVISION APPROVAL, AUGUSTINE MINOR SUBDIVISION, TROY ROAD**

**WHEREAS**, this action is to Consider Granting Preliminary and Final Subdivision Approval for the proposed subdivision of Town of Danby Tax Parcel 4.-1-41, 55.78 acres total, into a 6.5+/- acre lot with 504+/- feet of frontage and containing an existing dwelling, 548 Troy Rd; and a 49.28+/- acre lot with 50 feet of frontage. The proposal also involves a request to the Board of Zoning Appeals for variance of the minimum 200-foot frontage requirement provided in Sec. 600, Para. 5 of the Town of Danby Zoning Ordinance. Ann V. Augustine, Owner; and

**WHEREAS**, this is an Unlisted action for which the Town of Danby Planning Board, as Lead Agency in environmental review of the proposed subdivision, has on June 16, 2010 made a negative determination of environmental significance; and

**WHEREAS**, the Planning Board on June 16, 2010 has held a public hearing on the matter;  
**NOW, THEREFORE IT IS**

**RESOLVED**, that the Town of Danby Planning Board grants Preliminary and Final Subdivision Approval for the proposed subdivision, subject to the following condition:

1. Granting of the requested variance by the Board of Zoning Appeals.

Moved by Strichartz, Second by Selin. The motion passed.

In Favor: Melchen, Roe, Strichartz, Vent, Selin

There was a short discussion about lot entitlement and the procedure which would be necessary for any future subdivision. Under current zoning regulations, any request for further subdivision of these properties require a variance from the BZA.

**Resolution No. 19 of 2010 - SEQRA DETERMINATION, ARANEO MINOR SUBDIVISION, CODDINGTON ROAD**

**WHEREAS**, this action is to Consider Granting Preliminary and Final Subdivision Approval for the proposed subdivision of Town of Danby Tax Parcel 5.-1-11.1, 18.45 acres total, into a 2.5+/- acre lot with 140 +/- feet of frontage and containing an existing dwelling, 1311 Coddington Rd.; and a 15.9+/- acre lot with 90+/- feet of frontage and containing an existing dwelling, 1313 Coddington Rd. The proposal also involves a request to the Board of Zoning Appeals for variance of the minimum 200-foot frontage requirement provided in Sec. 600, Para. 5 of the Town of Danby Zoning Ordinance. Therese Araneo, Owner; and

**WHEREAS**, the proposal further involves a request to the Board of Zoning Appeals for variance of the minimum 50-foot side yard requirement provided in Sec. 600, Para. 6 of the Zoning Ordinance in order to create a side yard depth of 32+/- feet from the dwelling at 1311 Coddington Road to a proposed property line; and

**WHEREAS**, this is an Unlisted action for which the Town of Danby Planning Board is legislatively determined to act as Lead Agency for the proposed subdivision, and where the Board of Zoning Appeals is Lead Agency for the requested variances; and

**WHEREAS**, the Planning Board on June 16, 2010 has reviewed the Short Environmental Assessment Form and the Code Enforcement Officer's recommendation that a negative determination of environmental significance be made for this action,

**NOW, THEREFORE IT IS**

**RESOLVED**, that the Town of Danby Planning Board, acting as Lead Agency in environmental review of the proposed subdivision as an Unlisted Action, makes a negative determination of environmental significance.

Moved by Vent, Second by Strichartz. The motion passed.

In Favor: Melchen, Roe, Strichartz, Vent, Selin

There was a short discussion. The only neighbor in attendance had no objection to the proposed subdivision.

**Resolution No. 20 of 2010 - CONSIDER PRELIMINARY AND FINAL SUBDIVISION APPROVAL, ARANEO MINOR SUBDIVISION, CODDINGTON ROAD**

**WHEREAS**, this action is to Consider Granting Preliminary and Final Subdivision Approval for the proposed subdivision of Town of Danby Tax Parcel 5.-1-11.1, 18.45 acres total, into a 2.5+/- acre lot with 140 +/- feet of frontage and containing an existing dwelling, 1311 Coddington Rd.; and a 15.9+/- acre lot with 90+/- feet of frontage and containing an existing dwelling, 1313 Coddington Rd. The proposal also involves a request to the Board of Zoning Appeals for variance of the minimum 200-foot frontage requirement provided in Sec. 600, Para. 5 of the Town of Danby Zoning Ordinance. Therese Araneo, Owner; and

**WHEREAS**, the proposal further involves a request to the Board of Zoning Appeals for variance of the minimum 50-foot side yard requirement provided in Sec. 600, Para. 6 of the Zoning Ordinance in order to create a side yard depth of 32+/- feet from the dwelling at 1311 Coddington Road to a proposed property line; and

**WHEREAS**, this is an Unlisted action for which the Town of Danby Planning Board, as Lead Agency in environmental review of the proposed subdivision, has on June 16, 2010 made a negative determination of environmental significance; and

**WHEREAS**, the Planning Board on June 16, 2010 has held a public hearing on the matter;

**NOW, THEREFORE IT IS**

**RESOLVED**, that the Town of Danby Planning Board grants Preliminary and Final Subdivision Approval for the proposed subdivision, subject to the following condition:

1. Granting of the requested variances by the Board of Zoning Appeals.

Moved by Strichartz, Second by Melchen. The motion passed.

In Favor: Melchen, Roe, Strichartz, Vent, Selin

**Approval of Minutes:**

Naomi Strichartz noted a spelling error in one name.

**Resolution No. 21 of 2010 - APPROVAL OF MINUTES, 04/21/2010 and 05/19/2010**

**Resolved**, That the Planning Board of the Town of Danby approves the minutes for the 04/21/2010 and 05/19/2010 meetings as corrected.

Moved by Strichartz, Second by Selin. The motion passed.

In Favor: Melchen, Roe, Strichartz, Vent, Selin

**West Danby Chapel Site Plan Review:**

The Planning Board heard a presentation by Beeners, with input from Jim Iacovelli, including the history of the Chapel as a commercial zone and the proposed methods for traffic control during events. There were concerns about this level of activity on a busy road and this being, "a big use for a small space." There were also concerns about noise control and neighbor reactions.

There were questions about the zoning complexity of this proposal, as one parcel is zoned Commercial A-1 and the second parcel is zoned residential high density. Due to the required zoning change for the residential parcel, this proposal requires public hearings before both the Planning and Town Boards. An attorney may need to be consulted about whether special permissions would address the set back requirements. It was also suggested that the PB visit the site to better inform themselves about this proposal.

There was an extensive discussion of zoning needs on two different parcels. Vent recommended that the PB grant a special permit for the Chapel parcel so that small receptions of 40-50 people could be held this season. Part of the discussion addressed whether wedding activities were "grandfathered" in to permitted uses of the Chapel as it has never been used for any purpose other than a church and community socials. Family weddings with 30-60 people have been held with no problems.

**Resolution No. 22 of 2010 - WEST DANBY CHAPEL**

**Resolved**, That the Planning Board of the Town of Danby makes a judgement that the proposed use of the West Danby Chapel as a location for small weddings and receptions is a continuation of the church use of the property and should be allowed to continued provided that it is not a disturbance to the neighborhood and provided that it is not rented for overnight lodgings.

Moved by Strichartz, Second by Selin. The motion passed.

In Favor: Melchen, Roe, Strichartz, Vent, Selin

There was further discussion of the next steps needed to address potential rezoning of the second lot in question including a discussion of the time frame needed for attorney feedback. It was pointed out that current zoning impedes mixed use development in the Hamlets. This highlights the need for the Planning Board to revisit current zoning ordinance, as was agreed by the Town Board during the winter 2010 Town Board/Planning Board planning meetings.

Beeners suggests more Iacovelli submit more material for consideration of this proposal during the July PB meeting with a possible public hearing to be held in August. More details from the attorney should be available at the July meeting as well. Iacovelli extended an invitation to the board to visit the Chapel. The board expressed its interest in doing so.

**Deputy Chair:**

The Planning Board nominated Robert Roe as Deputy Chair. It was reaffirmed that Klingensmith and Strichartz were willing to chair meetings if necessary.

**Resolution No. 23 of 2010 - DEPUTY CHAIR**

**Resolved**, That the Planning Board of the Town of Danby appoints Robert Roe as Planning Board Deputy Chair.

Moved by Strichartz, Second by Vent. The motion passed.

In Favor: Melchen, Strichartz, Vent, Selin

Abstained: Roe

**County Planning:**

Vent and Selin reported on a forum on County Planning held on June 14 at the County Library attended by Vent, Selin, and Melchen. Danby was noted as an area of interest for nodal development, but currently lacked the needed infrastructure. This type of development was cast in a 15+ year time frame. This led to an extensive discussion of infrastructure needs in the Hamlets, particularly water and sewer systems needed for county supported nodal development.

The meeting adjourned at 8:37 pm.

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Pamela S Goddard, Planning Board Secretary