

**Danby Planning Board
Minutes
September 15, 2010**

Members Present:

Anne Klingensmith
Ted Melchen
Robert Roe
Naomi Strichartz
Olivia Vent

Excused:

Steve Selin
Ray Van de Bogart

Others Present:

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

Members of the Public:

Joel Gagnon, Ted Crane, Jeff Luoma, Gregor Brous, Ben Altman, Keith Porter, Tom Cantore

Planning Board Meeting:

The Planning Board opened its meeting at 7:07pm. In the absence of Steve Selin, Deputy Chair Roe chaired the meeting.

Approval of Minutes:

Resolution No. 26 of 2010 - APPROVAL OF MINUTES, 08/18/2010

Resolved, That the Planning Board of the Town of Danby approves the minutes of its 08/18/2010 meeting.

Moved by Strichartz, Second by Klingensmith.

The motion passed by acclamation.

Town Board Report:

Leslie Connors reported on recent actions by the Town Board. She reported on the Highway Department Salt Barn construction, a bio-fuel boiler at the Highway Barn (burning big hay bales) via a NYSERDA grant, improvements at the Town Hall. The Council of Governments is looking to hire a firm to consult the towns about updated Cell-Tower legislation. Connors invited the Planning Board to attend the upcoming TB meeting on Sept. 20 at the West Danby Fire Hall during which a presentation on the Emerald Ash Borer threat is scheduled.

Connors also reported on the Highway Superintendent referendum and advised the PB that a dog enumeration will start in late September. Information was provided about a presentation on aquifers and water in Danby by Todd Miller on September 22, arranged by the Gas Drilling Task Force. More details about Town Board activities can be found in its minutes for 8/2, 8/9, and 8/31/2010.

Sketch Plan review for Running to Places at Danby Market:

Gregor Brous gave a presentation about the long-vacant Danby Market property. He has rented it to the *Running to Places* Theatre group. Brous characterized this a viable group and a natural fit for the property and town, as the group has local ties. Proposed uses include a small cafe and room for public meetings. Brous said that he had been unaware of the "change of use" procedure.

The Planning Board asked various questions about the proposed use of the old market building. There were concerns regarding the building's appearance and way the building is used. Currently, the space is used for rehearsals, set building, and as office space. The only alteration to the building has been to remove equipment to increase space. Brous is encouraging Running to Places to improve the property appearance through in-kind rent reductions. There was a concern about stage fighting rehearsals in that space and general safety for the youth participants.

Beeners gave an overview about special permits needed for the change of use at this property. The proposed change in use would require a public hearing. More information is required from Brous and a representative of Running to Places. The change of use requires a certificate of occupancy. Beeners has offered to allow a temporary occupancy in advance of the special permit, but this will need code review.

While there is general support for the activities of Running to Places in this space in Danby, Beeners expressed concerns about the lack of code review or certificate of occupancy for activity which is already underway. There are procedures which need to be followed. Brous stated that, at Beeners request, he has hired an architect to do a code review.

There was a short discussion as to when to hold a public hearing on the proposed change in use for this property. Strichartz suggested that members of the PB attend "Friday Night Fight" workshops, in order to gain more insight and information about the ways the building is being used and what impact this might have on the adjacent community. Brous stated that Running to Places should be amenable to such a visit. Strichartz, Klingensmith, and Roe all expressed their intention to visit the workshops.

Public Hearing:

Resolution No. 27 of 2010 - SET A PUBLIC HEARING

Resolved, That the Planning Board of the Town of Danby sets a public hearing on a proposed change of use for the old Danby Market building, to be held during its meeting on 10/20/2010 at 7:00pm.

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

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

Critical Environmental Areas Work Group:

Ann Klingensmith and Ben Altman gave a short report. The CEA Committee is a subcommittee of the Danby Gas Drilling Task Force. Work on identifying and designating CEAs in Danby was begun in the spring of 2010. Altman introduced Professor Keith Porter and his student, Tom Cantore, who did work for the committee over the summer. Porter and Cantore helped with mapping and overlays of Unique Natural Areas. Altman outlined the process for designating a Critical Environmental Area and its use in protecting and regulating special areas.

Aquifer Protection Report:

CU Law school student Tom Cantore gave a report as related to CEA designations. Cantore explained the potential of aquifer protection zones and overlay zoning in relation to CEAs, specifically stream corridor protection and stream bank set backs. These have been used to limit exposures to oil, gas, and other hazardous materials within areas which run into aquifers. Cantore offered to provide the PB with model ordinances for aquifer protection.

Cantore also reported on the Chesapeake Watershed Act and current studies through the EPA related to Total Maximum Daily loads for pollutants into the Chesapeake Bay. Funding could be sought for studies and protection through the EPA and the Upper Susquehanna Coalition by being a model town for this study. The EPA is currently has authority to specify TMDLs in this watershed.

There was a Q&A discussion on this topic between the Planning Board and Cantore. Question topics included overlay zoning, agricultural conservation resources study/conservation easements, and stream buffer protection. Altman asked what materials from the CEA committee would be most useful to the Planning Board for its work in revisiting zoning. Aquifer and UNA/CEA designation maps would be useful, as well as sample zoning ordinance. Fortunately, much is already known through the Natural Heritage database and other Unique Natural Areas resources.

Planning Board work goals/Multi-Use Zoning:

A discussion of aquifer protection and water availability eased into a discussion about municipal water in the Central and West Danby Hamlets as related to revising Danby zoning.

Joel Gagnon reported on a current water issue in West Danby. The creek which runs down Maple Avenue has risen meaningfully due to sedimentation. County Highway culverts are impacted by this sedimentation. There was a recent meeting with County reps and West Danby neighbors to discuss strategies to fix this problem. It was suggested that a report from a flood mitigation committee be made to the Planning Board in October. This would primarily be for general information for the PB. The presentation might be a good case study for stream bed management. Gagnon will set up a presentation.

Roe distributed a list he had drafted of considerations and potential benefits of multi-use zoning. This led to a discussion about overlay vs. zoning change. There was a question as to procedure, permits, and regulations for overlay vs. primary zoning change. Beeners suggested that overlay zoning might be more appropriate for environmental features needing protection than for multi-use zoning. The PB discussed challenges for in-fill/increased density, hamlet development, and multi-use development related to streams and wetlands in central Danby. There was some discussion of modern approaches for utilities.

Strichartz pointed out the importance of psychology in addressing zoning change. She will work on ways to present information for different needs.

Vent will follow up with Robert Morache about a presentation in October regarding his models for multi-use development. Vent suggested that developers come and talk to the PB about what would be viable. Strichartz suggested that Norbert Nolte be included in these presentations.

The Planning Board agreed to do map review as “homework.” They will come to the next meeting with ideas of Hamlet boundaries and possible density or zoning changes drawn on maps from the Comprehensive Plan. Roe was asked to bring information on innovative septic and water systems. The PB asked Joel to do the same for West Danby.

The meeting adjourned at 9:00pm.

Pamela S Goddard, Planning Board Secretary