

**Danby Planning Board  
Minutes of Meeting  
November 17, 2010**

**Present:**

Ted Melchen, Naomi Stichartz, Ray VandeBogart, Steve Selin

**Excused:**

Ann Klingensmith, Robert Roe, Olivia Vent

**Others Present:**

|   |                              |
|---|------------------------------|
| PB Secretary  | Pamela Goddard               |
| Town Board  | Leslie Connors, Kathy Halton |
| Code Enforcement  | Sue Beeners                  |
| Jill Howland, Wendy Pierce Carlisle, Brooke Greenhouse, Joel Gagnon |                              |

**A Public Hearing was opened at 7:05pm**

Steve Selin called the meeting to order and appointed Naomi Strichartz to chair the public hearing and meeting. Strichartz read the following legal notice:

PLEASE TAKE NOTICE, that the Town of Danby Planning Board will hold the following Public Hearing on November 17, 2010, 7:00PM, at the Danby Town Hall, 1830 Danby Road, Ithaca, NY:

PUBLIC HEARING to Consider Approval of the Proposed Subdivision of the parcel known as Tax Parcel 4.-1-43 into two lots of 4.65 and 4.75 acres each, on Troy Road. A Land Division Permit was recently issued by the Code Enforcement Office for the division of the southern part of this parcel into a 10.02-acre lot containing an existing residence, 501 Troy Road; and a 4.10-acre lot. Harold and Viola Beach, former owners, Jill Beach Howland, applicant.

Hearing no questions or comments,

**the Public Hearing was closed at 7:07pm**

**The meeting of the Planning Board was called to order at 7:08pm.**

Strichartz read out the SEQRA determination regarding the Howland minor subdivision.

**RESOLUTION NO. 32 OF 2010 - SEQRA DETERMINATION, HOWLAND MINOR SUBDIVISION**

**WHEREAS**, this action is to Consider Approval of the Proposed Subdivision of the parcel known as Tax Parcel 4.-1-43 into two lots of 4.65 and 4.75 acres each, on Troy Road; where a Land Division Permit was recently issued by the Code Enforcement Office for the division of the southern part of this parcel into a 10.02-acre lot containing an existing residence, 501 Troy Road; and a 4.10-acre lot; Harold and Viola Beach, former owners, Jill Beach Howland, applicant; 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

**WHEREAS**, the Planning Board on November 17, 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 VandeBogart, Second by Selin. The motion passed.**

**In Favor: Melchen, Strichartz, VandeBogart, Selin**

The Planning Board entered into a discussion about the proposed minor subdivision. VandeBogart noted that there is plenty of road frontage, and that these are nice sized lots. He saw no reason not to approve the subdivision, but suggested amending the resolution to include the provision that Parcel C gets the fifth entitlement. Beeners agreed with this determination that parcel C could be split one more time. It was suggested that the resolution note, for the record, that the other parcels will not be further subdivided.

Beeners noted, for the record, the location of good agricultural soils on the properties, in the areas furthest from the road. These would be restricted areas for building purposes. This would be examined in any building permit for these lots.

**RESOLUTION NO. 33 OF 2010 - CONSIDER SUBDIVISION APPROVAL, HOWLAND MINOR SUBDIVISION**

**WHEREAS**, this action is to Consider Approval of the Proposed Subdivision of the parcel known as Tax Parcel 4.-1-43 into two lots of 4.65 and 4.75 acres each, on Troy Road; where a Land Division Permit was recently issued by the Code Enforcement Office for the division of the southern part of this parcel into a 10.02-acre lot containing an existing residence, 501 Troy Road; and a 4.10-acre lot; Harold and Viola Beach, former owners, Jill Beach Howland, applicant; 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 November 17, 2010 made a negative determination of environmental significance; and

**WHEREAS**, the Planning Board on November 17, 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. Two entitlements will be retained by Parcel C. The other parcels will not be further subdividable.

**Moved by Melchen, Second by VandeBogart.**

**Motion amended to add the final two sentences of the resolution**

**Moved by VandeBogart, Second by Selin. The amendment and motion passed.**

**In Favor: Melchen, Strichartz, VandeBogart, Selin**

**West Danby Stream Project:**

Joel Gagnon noted that the person working on the West Danby stream project was invited to make a presentation at the meeting, but had not shown up.

**Approval of Minutes:**

**RESOLUTION NO. 34 OF 2010 – APPROVE MINUTES.**

**RESOLVED** that the Planning Board of the Town of Danby approves the minutes of October 20.

**Moved by Melchen, Second by VandeBogart. The motion passed.**

**In Favor: Melchen, Strichartz, VandeBogart, Selin**

**Town Board Report:**

Connors made a short report of activities and actions of the Danby Town Board. She encouraged the Planning Board to visit the newly completed Salt Storage Shed at the Highway Department, and invited them to a ribbon cutting celebration to take place at 9am on December 2. The budget has been passed. Conservation Advisory Council members have been appointed with term of office to start January 1, 2011. Advertising has begun for vacancies on the Planning Board and Board of Zoning Appeals.

The Town Board approved the expenditure of \$2,500 for GIS mapping and training from the 2010 Comprehensive Plan account. Beeners gave the PB more background about this project and how it will be used. The immediate use will be with the Critical Environmental Areas group's effort to create maps of different habitats. This resource will be available to the Planning Board for future planning projects.

### **Banks Road Subdivision:**

Beeners advised the PB regarding a waiver for deadline related to a proposed subdivision on Banks Road. This waiver corrects an oversight from 2009. Brooke Greenhouse said that Cayuga Country Homes should be the owner of the property. Beeners noted that the assessment shows Brooke and Esther as the owners. She suggested that Cayuga Country Homes be listed parenthetically.

### **RESOLUTION NO. 35 OF 2010 – CONSIDER GRANTING WAIVER OF FILING DEADLINE FOR SUBDIVISION PLAT RELATED TO TAX PARCEL 5.-1-1.752, BANKS ROAD**

**WHEREAS**, this action is to consider granting a waiver of the 62-day time requirement for recording approved subdivision maps, with respect to the parcel currently known as Tax Parcel 5.-1-1.752, located on Banks Road; Brooke H. and Esther S. Greenhouse (Cayuga Country Homes), owners; and

**WHEREAS**, the Planning Board on May 21, 2009 approved the subdivision of the property, then known as a portion of Parcel 5.-1-1.75, into two parcels; and

**WHEREAS**, the Planning Board Chairperson, Robert Roe, then approved a minor modification to a subdivision boundary line, which was reported to the Planning Board on August 18, 2010, and subsequently signed the subdivision map on September 1, 2009; and

**WHEREAS**, the subdivision map was then filed on December 17, 2009 when the property was conveyed to the present owners, and such filing did not meet the 62-day time requirement for recording approved subdivision maps, as provided in Section 210(IX) of the Town of Danby Subdivision and Land Division Regulations; and

**WHEREAS**, this is a Type II action which requires no further environmental review;

### **NOW, THEREFORE IT IS**

**RESOLVED**, that the Town of Danby Planning Board determines that there has been no change in circumstance that would warrant invalidation of the prior subdivision approval based on the failure to meet said 62-day time requirement; and it is

**FURTHER RESOLVED**, that the Planning Board determines that granting the requested waiver would not result in a significant alteration of the purpose of subdivision control nor would it impair the policies enunciated or implied by the Town Board in approving these regulations; and it is

**FURTHER RESOLVED**, that the Planning Board grants a waiver of the 62-day time requirement for recording approved subdivision maps, with the condition that an amended deed be filed within 180 days with such deed describing the approved subdivision.

**Moved by VandeBogart, Second by Selin. The motion passed.**

**In Favor: Melchen, Strichartz, VandeBogart, Selin**

### **Local Law Related to Planning Board:**

Beeners read the area of local law related to Planning Board alternates. The Town Board did not appoint alternate members in 2010. The local Law states that, "The Town Board shall appoint two alternate members to substitute for a regular member in the event that a regular member is not able to attend..." An alternate can stand in due to illness, paternity leave, etc. This would be useful during those times (such as this meeting) when a quorum might not be met.

A short discussion followed regarding the proper use of alternates and the dedication needed to attend meetings and not vote. Beener and the Planning Board advise the Town Board that it should either appoint alternates or change the wording of the law from "shall" to "may." A different option might be to have alternates who are non-voting members of the board. These alternates would attend

and participate in meeting discussions and planning. This would bring alternates “up to speed” and train them in Planning Board processes.

### **Hamlet Planning:**

There was a lengthy continued discussion about rezoning a strip on the east side of Rt 96B to enhance Hamlet development. Ideas were presented on behalf of Anne Klingensmith and Bob Roe. Selin also suggested gathering information and guidelines from other agencies so that the PB does not “reinvent the wheel.” The PB brainstormed various options for future use of properties along Rt 96B, including strategies to bring a store or stores back to Central Danby.

The Morache presentation was discussed at length. A copy of his presentation will eventually be available through the Town Clerk’s office. It was suggested that he be used as a consultant for future hamlet planning and development.

The PB talked about the appropriate first steps toward enhancing the Central Danby hamlet area. There was a discussion about the need to rezone the east side of RT 96B for mixed use to allow flexibility related to higher density residential and appropriate commercial activity. Beeners suggested that an upgrade to zoning with enhanced guidelines allowing home occupations, professional offices, etc. could be enacted. Required setbacks could be changed to allow higher density development. She suggested looking at low key “tweaks” to the ordinance and modest changes to facilitate property improvements. It was agreed that making changes in small steps, while the larger vision is formulated, might be the best method to create positive, sustainable change.

The Planning Board members in attendance were in agreement to recommend that the Town Board change the zoning on the East side of Rt 96B as a “Hamlet Enhancement Zone.” The purpose of these changes would be enhance Central Danby by facilitating development to support a small store and other amenities. The recommended “Hamlet Enhancement Zone” area runs from Michigan Hollow Road to Miller Road.

Beeners suggested that the next step would be for board members to do research into typical zoning regulations, citing existing examples. Selin volunteered to do a search on-line. Connors suggested revisiting the PD1 on Hornbrook Road and other planned development zones in the hamlet area for possible changes to facilitate improvements.

### **Adjournment**

A motion to adjourn the Meeting was made at 8:38pm.

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Pamela S Goddard, Planning Board Secretary