

**Danby Planning Board
Minutes of Meeting
May 26, 2011**

Present:

Joel Gagnon
Anne Klingensmith
Ted Melchen
Robert Roe
Naomi Strichartz
Steve Selin

Absent:

Ray VandeBogart

Others Present:

Secretary	Pamela Goddard
Town Board	Ric Dietrich
Public	Ben Altman, Cynthia Bowman

Planning Board Chair, Robert Roe opened the Planning Board meeting at 7:00pm.

Update on Code Enforcement

Goddard gave an update on the condition of Sue Beeners following her surgery on Tuesday, May 23. Beeners has been told to expect a six-week recovery. During this time, a temporary assistant is helping with code enforcement inspections, etc. Strichartz suggested that the Planning Board pool money to purchase a flowering plant for her. This was done.

Town Board Report

Ric Dietrich reported on recent activities and actions of the Town Board. Dietrich informed the Planning Board of a meeting with the Town Attorney, Guy Krogh, to be held on Monday, June 6, for the purpose of airing questions from the Town and Planning Boards. He reported on discussions he has had with the Krogh on a variety of topics, but focussing on complicated road use laws. Dietrich tried to answer questions from the Planning Board.

Dietrich encouraged the Planning Board to consider questions to be asked of the attorney and (if possible) to contact the Town Clerk ahead of time with topics for consideration. Any and all questions are welcome.

There was a lengthy discussion about projects and priorities for the Town in relation to zoning and legislation related to high impact industrial activities. Members of the Planning Board expressed the concern that preventing such activities from taking place in Danby should be a stronger priority. Dietrich is concerned that unproven laws will be challenged in court by oil and gas companies.

Proposed Aquifer Protection Ordinance

Ben Altman and Cynthia Bowman made a presentation of an Aquifer Protection Ordinance. This proposed zoning overlay was developed by the Critical Environmental Areas subcommittee with the assistance of attorney Cynthia Bowman. It is built on the USGS study of the Danby aquifer. The proposed ordinance has had a first review by the Town Attorney. He recommended a structural change, listing prohibitions (which would need a variance in the case of hardship) as opposed to listing permitted uses needing special permits. Bowman is in the process of a revision, based on some of his concerns and the comments of the Planning Board.

There were extensive questions regarding potential unintended consequences. Specific concerns were raised by several members of the Planning Board. There was a lengthy discussion of the need for improved wording regarding stream buffer protection and pre-existing uses of livestock access to water on non-agricultural property. It was noted that this recommendation is advisory for best uses.

Several concerns were raised related to individual home uses of fertilizers and pesticides as described in "Prohibited Uses." Some gardeners wish to fertilize with "land application of human excreta" such as human urine, waste from composting toilets, etc. There were similar concerns about the responsible use of pesticides within 100 feet of a waterway. It was suggested that an exemption be included for non-commercial/home use.

There were additional questions and suggestions regarding definitions, appropriate distance from wells, and ways that this ordinance could refer to existing Town laws. Bowman and Altman will work on revisions to this proposed ordinance and send a new draft to the Planning Board for feedback.

Conservation Advisory Council

Joel gave a brief update of activities of the CAC. An intern has been engaged to work with the Council over the summer. The CAC will have a presence at Danby Fun Day.

Zoning and Comprehensive Plan Review

There was a preliminary discussion about reviewing Danby's zoning and comprehensive plan with an eye toward restricting heavy industry. While there may be a parallel with gravel mining, there is no specific case law for this. Members of the PB believe that, technically speaking, heavy industry is already prohibited in Danby zoning.

Set Special Meeting

Following receipt of a tornado warning in the Willseyville, the board agreed to continue discussion at a future, special meeting. The additional meeting was set for Tuesday, June 14 at 7pm.

Approval of Minutes

RESOLUTION NO. 18 OF 2011 - APPROVAL OF MINUTES

Resolved, that the Planning Board of the Town of Danby approves the minutes of April 28, 2011.

Moved by Strichartz, Second by Klingensmith.

Adjournment

The Meeting was adjourned at 8:49pm.

Pamela S Goddard, Planning Board Secretary