

**Danby Planning Board
Minutes of Meeting
August 16, 2012**

Present:

Joel Gagnon
Anne Klingensmith
Frank Kruppa
Steve Selin
Naomi Strichartz
Robert Roe

Absent/Excused:

Ted Melchen

Others Present:

Secretary	Sue McLellan
Code Officer	Sue Beeners
Public	Margaret Corbit, Wesley Blauvelt, Ronda Roaring, Betsy Wilkinson, Melissa Stephenson, Nancy Lazarus, Richard Lazarus, Roswitha Daemen-van Buren

Robert Roe opened the Public Hearing at 7:01pm

Public Hearing to Consider Approval of the Proposed Subdivision of Town of Danby Tax Parcel 28.-1-17.1, 27.52+/- acres total, into three lots of 5.18, 5.18 and 17.16 acres each, with all lots having frontage on Howland Road, and with the proposed 17.16-acre lot also having frontage on the minimum-maintenance portion of Brenda Lee Lane. New York Land Quest, owner/applicant.

Margaret Corbit, who owns 70 acres east of the property to be subdivided, presented a recommended revision to the Danby Comprehensive Plan regarding property in rural areas that is turned over. She would like to see adjacent property owners notified at the time the property goes on sale. This would give property owners time to discuss options to retain the integrity of the property for sale. Corbit also expressed concern about possible increases in noise if seasonal or other residences were built and relied on generators as a primary source of electric power.

Nancy Lazarus expressed her appreciation of Sue Beeners' memo addressing the environmental impact.

Sue Beeners referred to the SEQR draft environmental review for the subdivision. She also noted that in the subdivision regulations, woodlands are 'restricted build areas' and that development of the lots could be limited to the general area of the proposed construction envelopes shown on the Resource Map presented with the application.

Wesley Blauvelt questioned whether Danby would be obligated to develop the road after houses were built on the subdivided lots. Several "no" answers came from the Board. Sue Beeners commented that Brenda Lee Lane is a minimum maintenance road and unlikely to be developed.

Ronda Roaring presented a letter written to the Planning Board. She read the letter expressing her viewpoint that, "The Decision by the Planning Board to permit the division of land and the building of any structure in South Danby should be based solely on three documents: New York State Town Law, the Town of Danby Comprehensive Plan, and the Town Zoning Ordinance." She addressed issues of land use, low density, and rural character stated in zoning laws and ordinances. Ronda is opposed to the approval of the proposed Land Subdivision.

Sue Beeners reported that the Comprehensive Plan suggests that development be limited in areas near State forests, that residential development include conservation subdivisions with adjacent protected open space, and that private forests be encouraged to continue as a land use.

The hearing was closed at 7:22pm

The Planning Board Meeting was opened at 7:23pm

RESOLUTION NO. 23 OF 2012 - HOWLAND ROAD MINOR SUBDIVISION – CONSIDER SEQR DETERMINATION

Whereas, this action is to Consider Approval of the Proposed Subdivision of Town of Danby Tax Parcel 28.-1-17.1, 27.52+/- acres total, into three lots of 5.18, 5.18, and 17.16 acres each, with all lots having frontage on Howland Road, and with the proposed 17.16-acre lot also having frontage on the minimum-maintenance portion of Brenda Lee Lane; New York Land Quest, owner/applicant; and

Whereas, this is an Unlisted Action for which the Town of Danby Planning Board is acting as Lead Agency in environmental review; and

Whereas, the Planning Board has reviewed the draft Short Environmental Assessment Form and the recommendation of the Code Enforcement Officer that a negative determination of environmental significance be made, conditional on the preservation of restricted build areas on the site, being woodlands and the locations of significant vegetation, and good agricultural soils, to the maximum extent possible; **Now, Therefore, it is**

Resolved, that the Town of Danby Planning Board, acting as Lead Agency in environmental review, makes a negative determination of environmental significance, conditional upon on the designation of slopes exceeding 15% as No Build Areas; the preservation of Restricted Build Areas on the site, being woodlands and the locations of significant vegetation, and good agricultural soils, to the maximum extent possible; and with the permitted uses of the areas outside the designated construction envelopes to conform to those uses permitted in Restricted Build Areas as described in the Town of Danby Subdivision Regulations.

Moved by Gagnon, Second by Klingensmith.

Areas of discussion:

There was extensive discussion regarding the need for a buffer to the forest area for birds that live in “deep forest.”

Leslie Connors, who was not present, had requested thought be given to the impact of driveways on ecology—the edge effect. Naomi Strichartz discussed the pros and cons of long driveways. Anne Klingensmith mentioned studies that show that long driveways can cause fragmentation of natural habitats.

Joel spoke about rural vs. suburban aesthetics including the desire to buffer houses from the road-side view.

Visual versus environmental impacts and possible redistribution of lots was weighed.

Much discussion took place regarding water supplies for the proposed subdivision and the potential effect on current residents. Questions and concern revolved around concern for wells, both depth and yield, whether there should be a “draw down test”, deed restriction for a single family residence on each lot and proceeding with caution with regard to the water situation. The ability of the Board to stipulate that there be no further subdivision of the property was acknowledged. The applicants indicated that the properties would be deed-restricted to allow no more than a single family residence on each lot.

Robert Roe entertained questions from the public. Wesley Blauvelt commented about the power line that exists, 25 feet back from the road, and that it could influence building setbacks.

Several Board members expressed an interest in a site visit. The Board was not prepared to enter a vote at this time.

A motion to withdraw Resolution 23 was moved by Strichartz, second by Kruppa. In favor: Gagnon, Klingensmith, Kruppa, Selin, Strichartz, Roe.

Reschedule to 7pm, September 27, 2012 moved by Gagnon, second by Strichartz. In favor: Gagnon, Klingensmith, Kruppa, Selin, Strichartz, Roe.

Approve Minutes

RESOLUTION NO. 24 OF 2012 - APPROVE MINUTES

Resolved, that the Planning Board of the Town of Danby approves the minutes of July 26, 2012.

Moved by Gagnon, Second by Kruppa.

In Favor: Gagnon, Klingensmith, Strichartz, Roe

Abstain: Kruppa, Selin

Addition to the Agenda

Richard Lazarus presented a business plan to sell small timber frame kits in the parking lot of the former Danby Market. He presented a sketch plan showing the general location of the kits within the required setbacks. The kits, sized at 14'x20', are exempt from site plan review for this commercially zoned area because their square footage would be within the site plan exemptions of the Zoning Ordinance. Lazarus said there would be a small sign identifying the kits. The Board does not need to further review the plan and the agreement is between Mr. Lazarus and Gregar Brous, the owner.

Sue Beeners stated that Scott Doyle asked to bring the consultant working on the pending Buttermilk Creek watershed assessment for a presentation during Planning Board meeting on September 27. Doyle would also discuss stream buffers. It was suggested to move the water study to the October meeting.

Further consideration of the Howland Road Proposal will take place at the September meeting.

Adjournment

The meeting was adjourned at 8:30pm.

Susan McLellan, Temporary Planning Board Secretary