

**Danby Planning Board  
Minutes of Meeting  
September 27, 2012**

**Present:**

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

**Others Present:**

Secretary	Pamela Goddard
Code Officer	Sue Beeners
Town Board	Leslie Connors
Public	Margaret Corbit, Wesley Blauvelt, Rhonda Roaring, Carl Snyder, Melissa Stephenson, Richard Lazarus

**The Planning Board Meeting was open at 7:03pm**

**Howland Road Subdivision Proposal**

The Planning Board continued its discussion regarding a proposed subdivision of parcel 28.-1-17.1 on Howland Road. Joel Gagnon reported on his observations following a visit to the property. He was negatively impressed by the distance from the road for the utility right of way. Gagnon also reported on information provided by CAC member Thomas Gavin (retired conservation biologist) regarding the impacts of long driveways on habitat fragmentation. Gavin reported that studies over the past 20 years have shown that species of concern (eg bobcat and bear) are able to co-exist well with human habitation. Bird studies show that some species are affected by fragmentation due to home construction and long driveways, but other considerations (such as woodland clearing/tree cover and the presence of roaming domestic cats) have a larger impact. It is desirable to limit how far back a house is constructed.

Gagnon recommended that dwelling construction be located a minimum of 150 feet back from the road (to mask visibility from the road) and no more than 300 feet back to prevent fragmentation of the environment. He recommended moving the “L-shaped” lot to the middle of the subdivision (making it T-shaped), in order to allow that much setback from both Howland Road and Brenda Lee Lane. Other members of the Planning Board agreed with this recommendation.

There was a discussion about the new requirements from the NYS fire code for driveways longer than 300 feet. Long driveways must be 12 feet wide and have an adequate turn around area to accommodate fire and rescue vehicles. This requirement is dropped if a fire sprinkler system is installed.

The property owner asked for clarification as to the reasons for the Planning Board changing the parameters of the subdivision. Members of the Board explained that this is in order to conserve the rural character of the town and minimize ecological impacts of building in this specific area. These measures are in order to comply with provisions in the Danby Subdivision Regulations. The point of Planning Board review is to consider the best way to balance concerns. Beeners noted that virtually the entire site is comprised of restricted build areas, as defined by the Subdivision regulations.

There was a discussion regarding how to modify the SEQR determination and resolution wording to accommodate the reconfigured lot divisions. Beeners suggested an amendment to the SEQR short form stating, “The Planning Board finds that the reconfiguration of the subdivision plan to place the

frontage for the 17.16 acre parcel in the middle of the two 5.18 acre lots on each side would help to mitigate the impacts on the forest and the good agricultural soils on the property. Having set backs of 150 feet minimum from the road center line and 300 feet maximum from the road center line would help to preserve a significant amount of acreage as a buffer to the state forest land as well as a buffer to protect the rural character along the roadside.”

#### **RESOLUTION NO. 25 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 modification of the subdivision plan to locate the frontage for the 17.16 acre lot in the middle of the parcel bordered by the 5.18 acre lots and the location of the houses on those lots to be a minimum of 150 feet from the center line of the roads and the building sites a maximum of 300 feet back from the center line of the roads; 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 Selin.**

**In favor: Gagnon, Klingensmith, Kruppa, Melchen, Selin, Strichartz, Roe.**

#### **Additional Discussion Regarding Howland Road Subdivision**

The Planning Board amended the resolution to consider approval of the Howland Road minor subdivision to be in keeping with the SEQR determination.

#### **RESOLUTION NO. 26 OF 2012 - HOWLAND ROAD MINOR SUBDIVISION – CONSIDER APPROVAL**

**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, acting as Lead Agency in environmental review, has on September 27, 2012 made a negative determination of environmental significance, with certain conditions described in the accompanying resolution; and

**Whereas**, the Planning Board has reviewed the Resource Map for the proposed subdivision, including its delineation of proposed construction envelopes; and

**Whereas**, the Planning Board has held a public hearing on the proposed subdivision on August 16, 2012; **Now, Therefore, it is**

**Resolved**, that the Town of Danby Planning Board grants Preliminary and Final Subdivision Approval to the subdivision, with the following conditions:

1. The modification of the subdivision plan to locate the frontage for the 17.16 acre lot in the middle of the parcel bordered by the 5.18 acre lots.
2. The location of the houses on those lots to be a minimum of 150 feet from the center line of the roads and the building sites a maximum of 300 feet back from the center line of the roads.

3. Slopes exceeding 15% shall be designated as No Build Areas, and shall not be built upon or disturbed during site construction except that areas of less than one acre (excluding driveways) on any one lot with such slopes may be excluded from the No Build Areas when approved by the Planning Board.
4. The Restricted Build Areas on the site, being woodlands and the locations of significant vegetation, and good agricultural soils, shall be preserved to the maximum extent possible; and the permitted uses of the areas outside the designated construction envelopes shall conform to those uses permitted in Restricted Build Areas as described in the Town of Danby Subdivision Regulations, being as follows:  
 "PERMITTED USES IN NO BUILD AND RESTRICTED BUILD AREAS. Construction and associated site disturbance for the following uses are permitted in the No Build and Restricted Build Areas identified above unless other laws and regulations restrict or prohibit such uses (such as those pertaining to areas of 100-year flooding, Wetlands, Classified Streams, or zoning):
  - A. Agricultural uses and equestrian facilities.
  - B. Forest management.
  - C. Pedestrian walks and bike paths.
  - D. Non-residential farm structures and structures used for equestrian facilities such as barns, silos, live-stock enclosures, storage buildings and similar structures.
  - E. Accessory structures and other work exempt from building permits, such as storage sheds with less than 160 square feet of gross floor area.
  - F. Wells or water service lines.
  - G. Utility lines providing service to the property.
  - H. Driveways, farm lanes, and access roads.
  - I. Drainage swales and stormwater management facilities."
5. In any deed conveying any of the lots in the subdivision, reference shall be made to this Resolution.

**Moved by, Gagnon Second by Strichartz.**

**In favor: Gagnon, Klingensmith, Kruppa, Melchen, Selin, Strichartz, Roe.**

## **Approve Minutes**

### **RESOLUTION NO. 27 OF 2012 - APPROVE MINUTES**

**Resolved**, that the Planning Board of the Town of Danby approves the minutes of August 16, 2012.

**Moved by Gagnon, Second by Kruppa.**

**In Favor: Gagnon, Klingensmith, Kruppa, Melchen, Selin, Strichartz, Roe**

## **Deer Management Focus Area**

Robert Roe presented information about the Tompkins County Deer Management Focus Area. The PB held a discussion about potential enforcement problems with the DMFA. Roe recommended that the Town Board urge residents to post their land. It was noted that hunting in the DMFA area will begin on October 1, prior to the Town Board meeting, and that it was already too late to get a notice into the Danby Area News. No action was taken by the Planning Board on this matter. Roe may write an opinion article for the Ithaca Journal.

## **Consider Attending October 25 Training**

There was a discussion about attending training offered to Planning Board members by TC3 on October 25 and whether to change the date of the October Danby PB meeting to accommodate those who wish to attend this training. The discussion included a general discussion about the value of training offered by TC3. PB members reported a negative experience at previous training.

Beeners suggested that the Planning Board consider online courses, if members do not want to travel to TC3 for low quality training. There might also be the possibility of having someone come from County Planning for training. There was interest in both of these options. There was interest in the Farmland Protection portion of the TC3 Training, offered the afternoon of Oct. 25. Kruppa offered

to attend the afternoon portion of the training and report on this to the PB that evening. The October PB meeting will remain on the 25th.

### **Reschedule November and December Planning Board Meetings**

The PB discussed alternate dates for its November and December meetings, as the fourth Thursdays conflict with holidays in those two months.

### **Reschedule November and December Meetings**

#### **RESOLUTION NO. 28 OF 2012 - RESCHEDULE MEETINGS**

**Resolved**, that the Planning Board of the Town of Danby will meet on November 29, in place of the November 22 date, and on December 20, in place of the December 27, 2012 date.

**Moved by Roe, Second by Klingensmith.**

**In Favor: Gagnon, Klingensmith, Kruppa, Melchen, Selin, Strichartz, Roe**

### **Town Board Report**

Connors presented information about recent TB meetings. Items of interest to the Planning Board included information about meetings of the Wind Tower Group, a grant proposal and meeting regarding broadband extension in Danby, progress on the Highway Barn biomass boiler, and budget workshops to be held in October.

Klingensmith added to the report about the Wind Tower Legislation group. The group is reviewing other municipal ordinances related to home scale wind towers with a goal of encouraging construction of reliable home scale wind power generation.

### **Comprehensive Plan Review**

The PB continued its discussion of the Comprehensive Plan Review, with updates from individuals working on the Natural Resources, Housing, and Agricultural sections. There was a general discussion about the need for public input in various sections. Assistance is also needed for technical work, updating data in some sections. Information about Comp. Plan review public input should appear in the December 2012 and January 2013 Danby Area News.

Beeners advocated the usefulness of skilled interns for some detail work, such as adding recent census data to the Housing section. There may be the option for assistance from County Planning staff as well. She also advocated arranging public forums on various themes and topics with input from regional experts. These could generate interest and understanding of the Comp. Plan review process in Danby residents.

Selin highlighted the need to revisit subdivision regulations in light of revisions to the Comprehensive Plan. Beeners voiced her support of decisions which were made regarding the Howland Road subdivision. In Beeners view, the Howland Road decisions considered important aspects and go in the right direction. There was further discussion of subdivision regulations and open space review. Members of the Planning Board would like to revisit/remove unfulfilled planned development zones and to add a "sunset provision" on those zones.

### **Adjournment**

The meeting was adjourned at 9:03 pm.

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Pamela Goddard, Planning Board Secretary