

**Danby Planning Board  
Minutes of Public Hearing and Regular Meeting  
February 28, 2013**

**Present:**

Joel Gagnon  
Anne Klingensmith  
Frank Kruppa  
Steve Selin (arrived 7:10pm)  
Naomi Strichartz  
Robert Roe

**Absent:**

Ted Melchen

**Others Present:**

Secretary	Pamela Goddard
Town Board	Leslie Connors
Public	Ted Crane, Brian Caldwell, Elizabeth Keokosky

**Public Hearing - Bed and Breakfast Dwelling Proposal was opened at 7:00 pm**

Public Hearing, to be held on Thursday February 28 at 7pm, to consider granting a Special Permit to Jutta Locker, owner, to use the existing house at 354 Comfort Road, Tax parcel 1.-1-25.22, as a Bed and Breakfast Dwelling.

There were no comments from the public. Goddard reported that there were no comments received in correspondence.

Klingensmith commented that this should be handled in the same manner as the Casper Special Permit in regards to this being owner-specific. Gagnon had questions about the permit, to be discussed during the consideration of the matter.

**The Public Hearing was closed at 7:04 pm**

**The Regular Meeting of the Planning Board was opened at 7:04 pm**

**Privilege of the Floor**

Secretary Goddard announced her resignation, following this meeting of the Planning Board. The Planning Board will need to engage a new Secretary for future meetings.

Crane addressed the Board referring to the apparent personal conflict between the Planning Board secretary and the Planning Board chair. He also suggested that the PB Chair had unfairly characterized the Danby Land Bank Cooperative by suggesting that its activities would deplete the soil. Gagnon replied, noting that Roe's concern was shared by several other members of the Board. Crane suggested that the Board invite Danby Land Bank representatives to address the issue, which suggestion was embraced by the Board.

**Additions to Agenda**

There were two additions to the agenda. A request from Code Officer Beeners that the PB consider endorsing the retention of Planning Services while she is on medical leave, and the search for a new Secretary.

## Consideration of Public Hearing Matter

The PB discussed the proposed Locker Bed and Breakfast Dwelling. Klingensmith noted that Locker seems to be interested in using this for short-term rentals, such as for Stork executives. This does not materially change the proposed use of the dwelling, nor the fact that Locker seems responsible and accessible to the rental/B&B as she lives across the road. She thought that granting a permit was a good idea.

Gagnon raised the question as to whether this would be a “Bed and Breakfast” if the owner is not a resident. This is analogous to the Casper request, which was granted as a “hotel” functionally equivalent to a Bed and Breakfast. There was a discussion about how this relates to the building code. It was noted that the proposed resolution contains the phrase, “conditional upon compliance with relevant provisions of the New York State Building Code.” Locker may have a family member live in the house in order for it to be permitted as a Bed and Breakfast.

The PB discussed whether a permit could be granted for a Bed and Breakfast or whether this needed to be granted as a hotel, functionally equivalent to a Bed and Breakfast dwelling.

### **RESOLUTION NO. 4 OF 2013 - LOCKER SPECIAL PERMIT - BED AND BREAKFAST DWELLING, 354 COMFORT ROAD**

**Whereas**, this action is to consider granting a Special Permit to Jutta Locker, owner, to use the existing house at 354 Comfort Road, Tax Parcel 1.-1-25.22, as a bed and breakfast dwelling; and

**Whereas**, this is a Type II action being equivalent to the construction or alteration of a 1-, 2-, or 3-unit dwelling; and

**Whereas**, the Planning Board on February 28, 2013 has held a public hearing to hear all persons interested in this action; **Now, Therefore, it is**

**Resolved**, that the Town of Danby Planning Board grants a Special Permit to Jutta Locker, owner, to use the existing house at 354 Comfort Road, Tax Parcel 1.-1-25.22, as a bed and breakfast dwelling, conditional upon compliance with relevant provisions of the New York State Building Code, and

**Further Resolved**, that a permit is also granted for a three bedroom hotel, functionally equivalent to a bed and breakfast dwelling, and

**Further Resolved**, that neither permitted use shall convey with the property.

**Moved by Strichartz, Second by Selin.**

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

## Guest Presenter - Danby Land Bank Cooperative and Community Biomass Energy

Presentation/Q&A with Betsy Keokosky and Brian Caldwell (a soil scientist at Cornell and an organic orchard manager). Keokosky provided background information and a short history of the Danby Land Bank Cooperative (DLBC). She pointed out that any harvesting activity of the DLBC is conditional on having a market and a viable business. Currently, grass biomass fuel is competing with cheap natural gas and a glut of wood pellets. The DLBC and Community Biomass Energy (CBE) are researching all possible markets as well as appliances that may burn grass biomass effectively through gasification. Keokosky is most hopeful about small, commercial systems which are able to burn a flexible source of fuels. Various new systems are still in the research and design stage. Grass pellets may also be used as absorbent material for animal bedding and industrial uses.

Caldwell and Keokosky explained that, when harvest takes place, a minimalist approach to soil improvement is planned. Soil testing will be done on a regular basis on fields harvested by the DLBC for CBE. The soil will be monitored, especially for calcium, potassium, phosphorous, and magnesium, through a standard agricultural mineral test. Klingensmith applauded good record keeping related to soil fertility.

Caldwell responded to a question from Roe as to whether grass harvest depletes minerals in the soil, “If you remove this matter don’t you remove the minerals?” He noted that the removal of mineral through agricultural harvest is a problem for agriculture in general. Caldwell explained that one of the benefits of this type of biomass harvest is that, ideally, to burn most cleanly, the crop should contain the fewest possible nutrients.

Bioenergy crops remove much less nutrients from the land than conventional agriculture. Crops are harvested later in the season (late summer and early fall) than traditional hay harvests. Ideally, crops are allowed to rest in place until rain water can leach minerals back into the soil. They are then dried in place and processed. There is no tillage in this type of agriculture, and so less depletion than other types of harvest. Late season harvest also greatly reduces the impact on ground nesting birds.

Keokosky stated that soil health is a priority for the sister organizations (DLBC and CBE). They have a mission to build value for the community and value for the soil. CBE has a plan to return ashes from biomass energy (containing residual minerals) to the harvested fields. If needed, lime and/or other minerals (ashes and “biochar”) may be added to the soil. At this time, there is not an expectation that this will be necessary.

Klingensmith stated that she was glad to see that the term “marginal land” was no longer being used in DLBC publications. She asserted that fallow fields in process of reverting to brush and wood lots have a value to many species. She expressed her concern about what would happen if the DLBC and CBE are highly successful and more areas are cleared for biomass. She asked, “Who decides, in Danby, what is the right mix of fields and forest?” Klingensmith noted that “open space” refers to land which has not been developed, including brushy lands and forests. Caldwell responded that these concerns are profound and, “on the mark.”

Keokosky acknowledged that this has been a concern in other regions, such as the South and the parts of Vermont where logging is used to create wood pellets for export to Europe. Keokosky believes that, to be most successful and sustainable, biomass energy should remain small and within a certain locality. Her “rule of thumb” is to work within a 50 mile radius. There was a discussion about maintaining a balance between success and sustainability. Caldwell noted that if we want to be able to feed ourselves off of our land we need to have an incentive to keep it open and viable.

Strichartz asked what type of stoves for burning grass pellets are available and how much they cost. Keokosky noted that multi-fuel stoves are available, but are currently more expensive than standard wood pellet stoves. Multi-fuel boilers are being developed as are new commercial applications. There is growing interest in these systems.

Gagnon asked about the impacts of this type of harvest on organic material in the soil? Caldwell stated that he did not think that the organic matter would decrease due to taking off the top growth. Root organic matter will still be there and some stem matter as the crop is not harvested low. While it might not be as positive as if nothing were harvested, organic material should still increase.

Gagnon noted the positive impacts of making land economically viable, providing agricultural exemptions on land taxes, and keeping open space. These match planning objectives stated by the PB.

### **Beeners Communication - Interim Planning Services**

Code Officer Susan Beeners informed the PB that she will be out of the office periodically for several weeks for medical reasons. She is in the process of seeing whether the Town of Dryden Planning Department will enter into an intermunicipal services agreement, in order to provide planning services for the review and processing of development proposals. Beeners informed the Board that it is possible that there may be one or two minor 2-lot subdivisions as well as a possible rezoning application. The planning services would include drafting the SEQR reviews and proposed resolutions, and attending meetings. Fees for large projects would be covered by the review fees required from the developer. The current fee is around \$195 for small projects.

Beeners made a request that the PB endorse the retention of planning services through the Town of Dryden Planning Department. Members of the PB had questions about the cost of these planning services, the number of hours these services would be required, and whether these tasks could be handled in house by Code Assistant Matt Cooper. The Code Assistant is not trained in the review of subdivisions and rezoning and is only part time.

### **RESOLUTION NO. 5 OF 2013 - ENDORSE RETENTION OF PLANNING SERVICES**

**Resolved**, that the Town of Danby Planning Board endorses the retention of planning services in an interim, as needed basis from the Town of Dryden Planning Department, subject to the approval of a formal agreement by the Danby Town Board.

**Moved by Klingensmith, Second by Kruppa.**

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

### **Planning Board Secretary**

There was a discussion of how to proceed with finding a new PB secretary. Roe suggested that the position be advertised in the local papers and Danby Area News. The position is open to any qualified resident and is compensated at \$20 per hour. Hours include the actual meeting time plus time preparing the minutes. Letters of interest will be sent to the Town Clerk's office. The Board hopes to interview candidates during its next regular meeting.

Klingensmith volunteered to take minutes for the March 28 Planning Board meeting. There was a brief discussion about the style of minutes desired by the PB. Members of the PB expressed a strong preference for minutes to continue with more than the "bare minimum." A micro-cassette recording device may still exist in the Town Clerk's office, for use by the PB.

Gagnon and Kruppa thanked Goddard for her skilled work at a "thankless task." They characterized her execution of this job as exemplary. Goddard noted that there needs to be good communication between the new Secretary and the Clerk's office, so that minutes and other records may be made accessible to residents and be properly stored.

### **Town Board Report**

Connors reported on recent business of the Danby Town Board and events at the Association of Towns meeting. She distributed some information about planning for agriculture and farmland protection. Connors also informed the PB that the TB passed resolutions recommending that the vehicular speed limit be reduced to 40mph on the entire lengths of Comfort Road and Yapple Road.

### **Comprehensive Plan Review Recommendations**

The Planning Board continued its discussion of the Comprehensive Plan review with reports by members on individual sections.

Kruppa reported and distributed his review of the **Community Services Section**. Only minor updates are needed. Selin is still working on the **Public Utilities Section**. Strichartz submitted written updates to the **Agriculture Section**. Gagnon will transmit updates to the **Housing Section** prior to the next meeting. Klingensmith reported on draft updates to the **Natural Resources Section** in light of information from the Miller Aquifer Study and other recent reports.

Roe asked each of the Board members to have something written for group review prior to the next meeting. There was no discussion of a schedule for public information sessions.

## **Approve Minutes**

### **RESOLUTION NO. 6 OF 2013 - APPROVE MINUTES**

**Resolved**, that the Planning Board of the Town of Danby approves the corrected minutes of January 24, 2013.

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

**In Favor: Gagnon, Klingensmith, Strichartz, Roe.**

**Abstain: Kruppa, Selin.**

## **Adjournment**

The meeting was adjourned at 8:38 pm.

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Pamela Goddard, Planning Board Secretary