

**Danby Planning Board
Minutes of Regular Meeting and Public Hearing
August 22, 2013**

Present:

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

Others Present:

Secretary	Jan Pfleiderer
Code Officer	Sue Beeners
Public	Jim Salk, Agent/Attorney for James Henry

Public Hearing: Johnson/Henry Subdivision Proposal - Opened 7:05pm

Public Hearing to consider approval of the Proposed Subdivision of Tax Parcel 4.-1-6.2, 105.51 acres total, into a 67+/- acre lot containing the residence at 1118 Autumn Ridge Lane; and a 25+/- acre lot containing the residence at 1120 Autumn Ridge Lane. Each of said lots would have 151 +/- feet of frontage. The Town of Danby Board of Zoning Appeals on August 7, 2013, granted variance of the minimum 200-foot frontage requirement provided in Section 600. Para. 5 of the Town of Danby Zoning Ordinance. (A 13-acre portion of the Parcel would be conveyed by land annexation to an adjoining parcel.) Ethel Johnson, Fred Johnson, Sheri Johnson, and James R. Henry, Owners.

Jim Salk introduced himself as Agent/Attorney for Owner, James Henry, and proceeded to explain the background detail that resulted in the need for this request for proposed subdivision of the two properties at this time.

Klingensmith inquired as to clarification about whether there would be another request for subdivision in the future, which appeared unlikely.

Beeners explained this request further using several color maps and pointing out exactly what is being requested.

Klingensmith stated that approval of this request would not be setting a precedent because there is a good reason for it.

Beeners pointed out that when zoning laws in Danby were changed several years ago, Henry almost immediately noticed the change in frontage required by law and discussed his concern about it with her at the time.

The Public Hearing was Closed at 7:20pm

RESOLUTION NO. 23 OF 2013 - SEQRA DETERMINATION, JOHNSON/HENRY SUBDIVISION, CODDINGTON ROAD

Whereas, this action is to Consider Approval of the Proposed Subdivision of Tax Parcel 4.-1-6.2, 105.51 acres total, into a 67+/- acre lot containing the residence at 1118 Autumn Ridge Lane; and a 25+/- acre lot containing the residence at 1120 Autumn Ridge Lane. Each of said lots would have 151+/- feet of frontage. Such action involved the grant, by the Town of Danby Board of Zoning Appeals on August 7, 2013, of variance of the minimum 200-foot frontage requirement provided in Section 600, Para. 5 of the Town of Danby Zoning Ordinance. (A 13-acre portion of the Parcel would be conveyed by land annexation to an adjoining parcel.) Ethel Johnson, Fred Johnson, Sheri Johnson, and James R. Henry, Owners; 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 August 22, 2013 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 Gagnon, Second by Strichartz.

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

RESOLUTION NO. 24 OF 2013 - CONSIDER SUBDIVISION APPROVAL, JOHNSON/HENRY SUBDIVISION, CODDINGTON ROAD

Whereas, this action is to Consider Approval of the Proposed Subdivision of Tax Parcel 4.-1-6.2, 105.51 acres total, into a 67+/- acre lot containing the residence at 1118 Autumn Ridge Lane; and a 25+/- acre lot containing the residence at 1120 Autumn Ridge Lane. Each of said lots would have 151+/- feet of frontage. Such action involved the grant, by the Town of Danby Board of Zoning Appeals on August 7, 2013, of variance of the minimum 200-foot frontage requirement provided in Section 600, Para. 5 of the Town of Danby Zoning Ordinance. (A 13-acre portion of the Parcel would be conveyed by land annexation to an adjoining parcel.) Ethel Johnson, Fred Johnson, Sheri Johnson, and James R. Henry, Owners; 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 August 22, 2013 made a negative determination of environmental significance; and

Whereas, the Planning Board on August 22, 2013 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.

Moved by Strichartz, Second by Gagnon.

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

The Regular Meeting of the Planning Board was opened at 7:20 pm

Privilege of the Floor

There were no comments made.

Addition to Agenda - Nelson Property, 1116 Coddington Road

Beeners brought up for discussion the matter of the Nelson Property at 1116 Coddington Road – request for subdivision approval by Planning Board, if requested variances are granted by the Board of Zoning Appeals, specifically as follows:

Request for variance of the minimum 200-foot frontage and minimum 2-acre lot size required in Section 600(5) of the Town of Danby Zoning Ordinance, in order to subdivide the existing 10-acre parcel at 1116 Coddington Road, Tax Parcel Number 5.-1-1.78, resulting in one lot with 186' of frontage and approximately 1.5 acres in size, containing the existing dwelling at 1116 Coddington Rd., and a second lot with 20 feet of frontage and approximately 8.5 acres in size. Barrett and Angela Nelson, property owners.

Beeners reported this has not yet been scheduled for the Board of Zoning Appeals.

After considerable discussion about the facts presented in the six (6) pages of information given to those present by Beeners, Chair Roe suggested we schedule this matter for the September 26, 2013 meeting of the Planning Board **CONTINGENT UPON APPROVAL BY THE BOARD OF ZONING APPEALS.**

With regard to the Nelson Property Subdivision Request, Roe mentioned the fact that owners of “open land” have been recently assessed real estate tax increases of as much as 40%.

Approval of Minutes

RESOLUTION NO. 25 OF 2013 - APPROVE JULY 2013 MINUTES

Resolved, that the Planning Board of the Town of Danby approves the July 25, 2013 Minutes.

Moved by Gagnon, Second by Kruppa.

In Favor: Gagnon, Kruppa, Melchen, Roe

Abstain: Klingensmith, Selin, Strichartz.

Conservation Advisory Council Report

Gagnon reported on the work of the CAC in creating a template for conservation easements in the Town of Danby which would extinguish the development rights on the property. In the process, the form used by the Finger Lakes Land Trust was also considered. After considerable effort, Gagnon reported that we now have a template that has been presented to the Danby Town Board. After discussion, it was revealed that although conservation easements do not lower your taxes in Tompkins County, they do not lower the value of your property either; in fact, many property owners value this status being attached to their property. There are also some federal and state tax credits available.

Status Report - Draft Aquifer Protection Ordinance

Beeners reported on updates made to the draft document on which she is working. Roe discussed status of the appeals process and it was decided that the review board will be the Planning Board or the Board of Zoning Appeals. Roe inquired of those present when we might be able to send something forward to the Town Board – probably in a month or two.

Comprehensive Plan Discussion

Klingensmith reported she is not quite ready with Natural Resources Section, waiting to receive missing portion of information from Todd Miller Aquifer Study.

Selin reported on his progress with the Section on Public Utilities & Communications – specifically private water supplies & sewage disposal, West Danby Water District, Natural Gas Distribution. It appears that a Petroleum Pipeline just “passes through” Danby, but we need to find out more about it.

At this point, Strichartz made the proposal that we give all the draft information and questions for research to Rebecca Brenner to coordinate a draft of revised Comprehensive Plan.

To resolve this issue, Chair Roe requested that all Members of Planning Board bring to the next meeting on September 26, 2013 their updated drafts as well as related itemized questions that need further research so that we can go over the material with Rebecca Brenner.

It was agreed that Strichartz will make contact with Rebecca Brenner to advise her of status regarding this matter.

Member Items

Selin reported his interest in locating abandoned apple orchards as a resource for older varieties and to make apple cider.

Adjournment

The meeting was adjourned at 8:48 pm.

Jan Pfleiderer, Planning Board Secretary