

**Danby Planning Board
Minutes of Public Hearing and Regular Meeting
December 12, 2013**

Present:

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

Absent/Excused:

Ted Melchen
Comp. Plan Assistant, Rebecca Brenner

Others Present:

Secretary	Jan Pfleiderer
Code Officer	Sue Beeners
Town Board	Leslie Connors
Public	Steve Willcox, owner/applicant, Anthony Augustine, owner/applicant, John Augustine

The Regular Meeting was opened at 7:03 pm

Privilege of the Floor/Addition to Agenda/Members Items

Klingensmith commented, as a resident, that Cornell has chosen to divest itself of certain assets, which was viewed as a positive move.

It was requested that Comp Plan status report be moved forward as Brenner reported to Roe that she will have something together to present to Planning Board by January 2014.

Approval of Minutes

RESOLUTION NO. 31 OF 2013 - APPROVE OCTOBER 2013 MINUTES

Resolved, that the Planning Board of the Town of Danby approves the minutes of October 24, 2013.

Moved by Gagnon, Second by Strichartz.

In Favor: Gagnon, Kruppa, Selin, Strichartz, Roe

Abstain: Klingensmith

Town Board Liaison Report

Connors reported the Danby Town Board is seeking applications for several boards, including a 7 year term on the Planning Board, 5 year terms on the Board of Zoning Appeals and the West Danby Board of Water Commissioners, 2 year terms on the Conservation Advisory Council and a 2 year term representing Danby on the Environmental Management Council and Youth Services Board. Two seats are open for one year terms on a Board of Assessment Review. The Town Board will also review applications for persons interested in serving as Town Webmaster and Town Historian (one year term). Persons interested in serving in these capacities should complete an application at the Town Clerk's office.

Review of Communication by S. Beeners related to Zoning Ordinance

Beeners had transmitted to the Board information related to a matter in the Zoning Ordinance, being Section 600(4)(d) in the Zoning Ordinance that needs further review when time permits. The distribution of the Number of Lots Allowed on a parcel may not be specially noted on a plat unless the plat is a resubdivision of land already granted subdivision approval by the Planning Board.

Consider Augustine Proposed Subdivision

Consider Proposed Subdivision of an 11.152 acre portion of Tax Parcel 6.-1-18.2 into three (3) lots of 3.5 +/- acres each, and a 0.65 acre tract to be consolidated with the adjacent tax parcel, 6.-1-18.12, located on the south west corner of the intersection of East Miller and Nelson Roads. Anthony Augustine, Owner/Applicant.

Planning Board Members were previously provided with four (4) pages of information/maps dated 12/6/13 from Anthony Augustine, who was present and answered all questions directed to him.

Gagnon commented that this is a “textbook example” of what we do not want to have happen in Danby. He indicated that the homes should be clustered, such as in or near the adjacent woods to preserve the farmland. Selin commented that he would rather see land remain in agriculture. Anthony Augustine indicated he wants to subdivide for affordability reasons. General discussion included the practicality and the market for clustered development and long, shared driveways. It was generally agreed that the Comprehensive Plan is what the board should follow to make decisions. One should try to balance retention of open land as much as possible. Beeners reported considerable development by the permit process. Augustine commented that Ithaca is “moving out” and Danby needs to realize and accept this fact. The Comprehensive Plan states that development should be in hamlets. Beeners mentioned her receiving many comments from residents and from local farmers on the “breakup” of the Melchen field immediately north of the Augustine site into four large lots by land division permit, and how, with that permit process, there were no opportunities for the Planning Board to work with an applicant on where houses would be sited to preserve farmland and views. Roe commented about the possibility of a lack of water source were these properties to be further developed.

The Planning Board noted that Augustine could split this 11-acre property into two parcels by Land Division Permit. After considerable discussion, Klingensmith explained that the Planning Board is trying to balance zoning law and Comprehensive Plan compliance.

RESOLUTION NO. 32 OF 2013 - SET PUBLIC HEARING

Resolved, that the Town of Danby Planning Board schedule a Public Hearing to be held on January 16, 2014, at 7 pm, to consider approval of the Proposed Subdivision of an 11.152 acre portion of Tax Parcel 6.-1-18.2 into three (3) lots of 3.5 +/- acres each, and a 0.65 acre tract to be consolidated with the adjacent tax parcel, 6.-1-18.12, located on the south west corner of the intersection of East Miller and Nelson Roads. Anthony Augustine, Owner/Applicant.

Moved by Kruppa, Second by Selin.

In Favor: Klingensmith, Kruppa, Selin, Strichartz, Roe

Opposed: Gagnon

Consider Hiney-Willcox Proposed Ice Cream Stand

Consider issuing a Special Permit for a proposed seasonal Ice Cream Stand and related parking area, proposed to be located on the west side of Danby Road north of its intersection with Muzzy Road on Tax Parcel 2.-1-23.321. Suzanne Hiney Willcox and Steve Willcox, Owners/Applicants.

Proposed ice cream stand to be located on a 0.1 +/- acre portion of Town of Danby Tax Parcel 2.-1-23.321, on Danby Road northwest of its intersection with Muzzy Road. 14' x 18' (252 square feet) portable building proposed to be located near existing farm buildings. Parking area for seven (7) cars, using modified pre-existing driveway. Seasonal operation May – October. To be operated by owner and her family along with a maximum of two non –resident employees at any one time. No customer space inside.

Beeners reported that the Town Board has reviewed the above proposal and had reviewed potential zoning mechanisms for the application. The current zoning is Low Density Residential Zone, and the purpose of such Zone is to provide an area of limited development where it is deemed most desir-

able in the Town to maintain larger lots for development and permit the possibility of continued agricultural use of the area without limiting the areas to solely agricultural uses.

Beeners recommended that the Planning Board find and deem this to be reviewable as a Special Permit under Section 600, Subsection 3 (n), "Other uses not specifically listed above but deemed by the Planning Board to be similar in nature and compatible with the purposes of the zone." Steve Willcox, an Owner/Applicant was present and answered all questions directed to him.

There are no plans to change any uses or add any structures besides the ice cream stand and associated parking. The area to be used is around 0.25 acre.

RESOLUTION NO. 33 OF 2013 - SET PUBLIC HEARING

Resolved, that the Town of Danby Planning Board schedule a Public Hearing to be held on January 16, 2014, at 7 pm, to consider issuing a Special Permit for a proposed seasonal Ice Cream Stand and related parking area, proposed to be located on the west side of Danby Road, north of its intersection with Muzzy Road on Tax Parcel 2.-1-23.321. Suzanne Hiney Willcox and Steve Willcox, Owners/Applicants.

Moved by Gagnon, Second by Strichartz.

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

Status Report, draft Aquifer Protection Ordinance and Opportunity for Source Water Protection Technical Assistance from NYRWA

Beeners reported on the New York Rural Water Association (NYRWA) federally-funded (EPA) Source Water Protection Technical Assistance Program which provides technical assistance to rural and small communities for development and implementation of local source water protection plans.

Source water is water from streams, rivers, lakes, or underground aquifers that is used to provide public drinking water, as well as to supply private wells used for human consumption.

Beeners reported having met with the Town of Caroline Aquifer Protection Committee and representatives from the Town of Dryden to confer with Steven Winkley, Source Water Protection Specialist at NYRWA. She indicated that participating in this Technical Assistance Program would be at no cost to the Town, but would provide valuable information.

The project could take the current USGS/Town/County Aquifer Study information a few steps further related to understanding our local water supplies and how to protect them.

Beeners strongly urged that the Town look towards establishing a Danby Water Resources Committee. She also indicated that she had sent the current draft Aquifer Protection local law to Mr. Winkley to see if he could offer any assistance.

Meeting Time

Gagnon suggested the Planning Board schedule its meeting date as the THIRD Thursday of each month, so we need to find out about availability of this room for Thursday, January 16, 2014. Most likely, when Planning Board meets January 16, 2014, they will discuss and set the regular date of its meetings in the future.

Adjournment

The meeting was adjourned at 8:50 pm.

Jan Pfleiderer, Planning Board Secretary