

**Danby Planning Board
Minutes of Public Hearings and Regular Meeting
February 27, 2014
Draft**

Present:

Joel Gagnon
Anne Klingensmith
Frank Kruppa
Jim Rundle
Steve Selin
Naomi Strichartz

Excused:

Ted Melchen

Others Present:

Acting Secretary	Pamela Goddard
Code Officer	Sue Beeners
Town Board	Leslie Connors
Comp. Plan Assistant	Rebecca Brenner
Interns	Tori Safner, Paul Corsi
Public	Barrett Nelson, Elly Nelson, Theresa Joseph, Russ Cornwell, Jenny Henion, Jason Moss, Debbie Benson, Jim D'Alterio

MOTION - APPOINT INTERIM SECRETARY

Resolved, that the Town of Danby Planning Board appoints Pamela Goddard as interim secretary for its February 27 meeting.

Moved by Gagnon, Second by Klingensmith.

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

The Nelson Public Hearing was opened at 7:05 pm

Public Hearing to consider a Request for Special Permit for the construction of a second, detached dwelling on the same lot at 1116 Coddington Road, Town of Danby Tax Parcel 5.-1-1.78, 10 acres total. Barrett and Angela Nelson, property owners.

No Written Comments were received.

Barrett Nelson explained his proposal for a second building on his lot. There is currently a rental dwelling on the second floor over an existing building which was once a carriage house. Nelson would like to build a main house higher up on the property in an area which was once pasture. Nelson presented maps to help explain the proposal. In response to a question, he informed the PB that the property can not be divided due to insufficient road frontage.

Sue Beeners added information that access will be through the current driveway with parking closer to the existing house.

The Board asked several questions. Nelson reported that the neighbors are fine with this. He has walked the property with his nearest neighbor and she has no concerns. The neighbors with the most direct view of his property are also in support of his proposal. Due to the terrain and to existing thick hedgerows, most neighbors will not be able to see the new house.

The Nelson Public Hearing was closed at 7:13

The Lehman Public Hearing was opened at 7:13

Public Hearing to consider a Proposed Subdivision of a portion of Tax Parcel 14.-1-3.2, 19.69 acres total, located on Michigan Hollow Road, into two parcels of 9.8 +/- acres each, and with each parcel averaging 123 feet of frontage, and involving application to the Board of Zoning Appeals for variance of the minimum 150 foot frontage requirement in Article 600, Para 402 of the Zoning Ordinance. High and Low Density Residential Zones, Judith Lehman, Owner; Russ Cornwell, Applicant.

No Written Comments were received.

Russell Cornwell introduced himself and distributed a letter and map describing the proposed subdivision. The applicants hope to purchase the entire property, subdivide into two equal parcels, and build a house on the parcel they retain. The map showed a shared driveway and the proposed locations of two houses. The families who wish to purchase this are organic gardeners and wish to bring this lifestyle to Danby.

Beeners commented from a zoning standpoint. The property is zoned for high density 600 feet back from the road. The remainder of the property is zoned low density. Buttermilk Creek runs along the back of the property. The proposed house locations are within the high density zone.

The Lehman Public Hearing was closed at 7:20 pm

The Regular Meeting was opened at 7:20 pm

Approval of Minutes

Discussion/amendments to December 12, 2013 minutes. Two changes were made in J. Pflederer's minutes; "Selin commented that he would rather see land remain in agriculture" and change "Klingensmith commented that Ithaca is "moving out" to "Augustine commented..."

RESOLUTION NO. 11 OF 2014 - APPROVE MINUTES

Resolved, that the Town of Danby Planning Board approves the amended minutes of December 12, 2013.

Moved by Gagnon, Second by Selin.

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

RESOLUTION NO. 12 OF 2014 - APPROVE MINUTES

Resolved, that the Town of Danby Planning Board approves the minutes of January 16, 2014.

Moved by Gagnon, Second by Selin.

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

Consider Advertisement of Planning Board Secretary

There was a discussion regarding the current vacancy in the position of Planning Board Secretary. Several PB members suggested that it would be, in all fairness, appropriate to advertise the position. Clerk Goddard expressed a willingness to serve as secretary in the interim, and in the long term should a good candidate not come forward.

There was discussion of the pros and cons of having a Town Clerk also serve as secretary. In the positive, there would be continuity of operations and consistency of minutes. There was some concern that operations would be compromised if something were to happen to the Clerk, as she already carries a lot of responsibility. This would spread involvement and responsibility between more people. A new secretary would have a steep learning curve at a particularly busy time.

There was a discussion regarding drafting an appropriate job description, so that it is clear what the duties, time commitment, and expectations are for this position. Appointment of Planning Board Secretary should be made on an annual basis. The staff and PB will work together to draft a job description, including inter department interactions, prior to the next meeting.

The advertisement will appear in the Danby Area News, on the Town web site, and be posted on the Town bulletin board. This will take place after the March PB meeting.

RESOLUTION NO. 13 OF 2014 - ADVERTISING FOR PLANNING BOARD SECRETARY

Resolved, that the Town of Danby Planning Board will advertise for a secretary to fill the current vacancy, and **Further Resolved**, that Clerk Pamela Goddard shall act as an interim secretary.

Moved by Klingensmith, Second by Strichartz.

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

Planning Board Meeting Schedule

There was a discussion about when to schedule regular Planning Board meetings, whether it should be on the third or fourth Thursday of each month. The Board weighed which date had the fewest conflicts for members with other meetings.

RESOLUTION NO. 14 OF 2014 - SET REGULAR MEETING DATE

Resolved, that the Town of Danby Planning Board will hold its meetings on the third Thursday of each month in 2014, starting in March.

Moved by Kruppa, Second by Selin.

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

Consideration of Nelson Public Hearing

The Board discussed the Nelson request for a special permit. Gagnon expressed concern about visibility of the second dwelling from Coddington Road. Nelson and Beeners responded with information about landscaping and the current character of the neighborhood. Nelson asserted that the new dwelling and adjacent grounds will be attractive. He noted that a small area will be visible from the road, due to existing hedgerows.

RESOLUTION NO. 15 OF 2014 - CONSIDER GRANTING SPECIAL PERMIT FOR SECOND, DETACHED DWELLING AT 1116 CODDINGTON ROAD

Whereas, this action is to Consider Granting a Special Permit for the construction of a second, detached dwelling on the same lot at 1116 Coddington Road, Town of Danby Tax Parcel 5.-1-1.78, 10 acres total, Barrett and Angela Nelson, property owners; and

Whereas, this is a Type II action which required no further environmental review, pursuant to Town of Danby Local Law No. 2 of 1991; and

Whereas, the Planning Board has reviewed the draft Agricultural Data Statement for this proposal; and

Whereas, the Planning Board has reviewed the General Considerations Required for All Special Permits provided in Section 901 of the Town of Danby Zoning Ordinance; and

Whereas, the Planning Board on February 27, 2014 has held a public hearing on the matter;

Now, Therefore it is

Resolved, That the Town of Danby Planning Board accepts the draft Agricultural Data Statement for this proposal; and it is

Further Resolved, that the Town of Danby Planning Board grants a Special Permit for the construction of a second, detached dwelling on the same lot at 1116 Coddington Road, Town of Danby Tax Parcel 5.-1-1.78, 10 acres total, Barrett and Angela Nelson, property owners.

Moved by Gagnon, Second by Strichartz.

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

Consideration of Lehman Public Hearing

There was an extensive discussion regarding the proposed subdivision. The Board had several questions regarding the SEQR findings and regarding the proposal.

Gagnon opened a lengthy discussion of the long range plans for this property. He was not concerned with the current proposed use of the land but was concerned that the way it would be divided could be an obstacle to future hamlet growth. Gagnon presented an alternate plan for the driveway and placement of the houses. He asserted that this is a prime location to consider for hamlet growth in the future, as soils are suitable for a cluster septic system and as this is location identified for hamlet development in a prior hamlet study. Potentially, this could be an area for neighborhood planning or clustered development in the style of an “eco-village.”

Goddard asked about two parcels which seem to have the same tax map number. Beeners explained that the tax map numbers are an artifact of a previous consolidation for tax purposes. The two parcels are, in fact separate properties and the southern portion has different owner.

Klingensmith asked about the boundaries of this property in relation to a nearby Unique Natural Area. There is a wooded area between the subject property and the Jennings Pond area UNA.

Strichartz had a general concern about water access in the SEQR review and suggested that, for this and other proposals, there be water testing prior to new building. Her concern was that increased development may put a strain on ground water supplies and deplete aquifers under Danby. This may not be a concern for this particular area. Beeners responded to this concern in this particular case with information about the existing wells in this area. A 300 foot buffer between wells usually precludes negative impacts.

There was further discussion about a revised proposal for the location of the driveway. Cornwell made a statement regarding his intention for the property. They are most comfortable with the proposal they drafted with a central, shared driveway. Cornwell stated that he views this site as the location for his long-term retirement house. Cornwell further asserted that the plan he presented, dividing the property down the middle, does not preclude possible development of the type described by Gagnon in the far future.

RESOLUTION NO. 16 OF 2014 - SEQRA DETERMINATION, LEHMAN PROPERTY SUBDIVISION, MICHIGAN HOLLOW ROAD

Whereas, this action is to Consider Approval of the proposed Subdivision of a portion of Tax Parcel 14.-1-3.2, 19.69 acres total, located on Michigan Hollow Road, into two parcels of 9.8 +/- acres each and with each parcel having 123 feet of frontage, and involving application to the Board of Zoning Appeals for variance of the minimum 150 foot frontage requirement in Article 600, Para. 402 of the Zoning Ordinance; High and Low Density Residential Zones, Judith Lehman, Owner; Russ Cornwell, Applicant; 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 January 16, 2014 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 Strichartz, Second by Selin.

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

RESOLUTION NO. 17 OF 2014 - GRANT APPROVAL LEHMAN PROPERTY SUBDIVISION, MICHIGAN HOLLOW ROAD

Whereas, this action is to Consider Approval of the proposed Subdivision of a portion of Tax Parcel 14.-1-3.2, 19.69 acres total, located on Michigan Hollow Road, into two parcels of 9.8 +/- acres each and with each parcel having 123 feet of frontage, and involving application to the Board of Zoning Appeals for variance of the minimum 150 foot frontage requirement in Article 600, Para. 402 of the Zoning Ordinance; High and Low Density Residential Zones, Judith Lehman, Owner; Russ Cornwell, Applicant; 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 February 27, 2014 made a negative determination of environmental significance; and

Whereas, the Planning Board on February 27, 2014 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, conditional upon application to and granting of variance by the Board of Zoning Appeals from the minimum 150-foot frontage requirement in Article 600, Para. 402 of the Zoning Ordinance; and if so granted, submission of a final survey map suitable for filing, for signature approval by the Town.

Moved by Gagnon, Second by Rundle.

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

Further Consideration of Augustine Subdivision Proposal

There was a discussion of a revised proposal from Tony Augustine. Gagnon reported on a meeting between Augustine, Beeners, Gagnon, and Klingensmith. Klingensmith added her view that the change from equal sized parcels to two lots of 2.11 acres and a third lot of 6 acres was an improvement but did not fully address concerns from neighbors and the PB. Augustine agrees to relinquish further development rights on the 6 acre parcel and utility service lines will be buried underground.

Kruppa reported on communication with the Town Attorney advising that a second public hearing should be held if substantive changes were made to the original proposal. It was agreed that the proposed changes are substantive and a second hearing should be held.

There was discussion about the 0.93 lot that is to be consolidated with a wooded area. Beeners explained her understanding of this consolidation. This flat area would provide hunting access to land owned by Augustine's father.

Connors asked the PB to consider asking Augustine to adjust the construction envelope on the 6 acre parcel to be located further south on the lot. This would provide more contiguous open space between the lots. She shared her experience that road conditions are dangerous in the area of the proposed construction envelope. There was a discussion about further defining all of the construction envelopes. Beeners noted that the construction envelopes, as drawn, include areas for houses, wells, and septic. The Board proposed that the construction envelope on the 6 acre parcel be moved south one contour line. Modifications to a proposal may be made within the public hearing.

The Board discussed whether voting "no" to this particular proposal is an option under current zoning. The applicant is entitled to between two and five lots, but must receive PB approval for the specific plan. The PB has the power to mitigate negative impacts of subdivision.

Set Public Hearing

RESOLUTION NO. 18 OF 2014 - SET PUBLIC HEARING

Resolved, that the Town of Danby Planning Board schedule a Public Hearing for 7pm, March 20, to consider a revised proposed Subdivision of a 11.152 acre portion of Tax Parcel 6.-1-18.2, modified from the former proposal of three lots of 3.5 +/- acres each, and a 0.65-acre tract to be consolidated with the adjacent tax parcel 6.-1-18.12; to the presently-proposed two lots of 2.11 acres each, one lot of 6 acres, and a 0.93 acre tract to be consolidated with the adjacent tax parcel. The property is located on the southwest corner of Troy Rd. and Nelson Rd. Anthony Augustine, Owner/Applicant.

Moved by Strichartz, Second by Selin.

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

Sketch Plan Review

The Board reviewed a proposal for a second detached dwelling on a parcel on Comfort Road.

Set Public Hearing

RESOLUTION NO. 19 OF 2014 - SET PUBLIC HEARING

Resolved, that the Town of Danby Planning Board schedule a Public Hearing for March 20, immediately following the previous Hearing, to consider a request for Special Permit for a second, detached dwelling on the same lot at 1042 Comfort Road, Tax Parcel 15.-1-12.6, Andrea Gladstone, Owner/Applicant.

Moved by Strichartz, Second by Gagnon.

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

Comprehensive Plan - Introduction of Interns

Brenner introduced two interns from Ithaca College, Paul Corsi and Tori Safner, who will be assisting with the Comprehensive Plan. These interns will be collecting data related to agriculture in the Town of Danby. The interns outlined their proposed research. The Board discussed this work with them. The intention of their research is to improve the description of agriculture in the Comprehensive Plan, as it is now practiced. The research should also identify farmers and people involved in agriculture and to help these people network together.

Comprehensive Plan - Plan Scoping Meeting

There was a discussion of agenda and process for the March 19 Comprehensive Plan Scoping Meeting. Brenner will make a short presentation on, "What a Comprehensive Plan is." Members of the PB will be available to answer questions from the public. PB members may give an overview of the existing goals and objectives from the 2003 Comprehensive Plan.

The intention of the meeting is to provide basic information and to engage people about what they'd like to see as the future of Danby. Information about this meeting has been published in the Danby Area News and on the Town web site.

Town Board Report

Connors made a short report on recent actions by the Town Board. The TB passed a resolution in recognition of Robert Roe's years of service. It was suggested that the PB take similar action. She gave an update on the request to improve a seasonal section of Marsh Road. The TB is still considering this complicated issue.

Conservation Advisory Council - Conservation Easement Report

Gagnon reported on the acceptance of the first Conservation Easement in the Town of Danby. The Deed of Easement still needs to be finalized by the property owner. PB members asked questions about the details of the easement and about the basic easement template.

Adjournment

The meeting was adjourned at 9:15pm.

Pamela Goddard, Interim Planning Board Secretary