

**Town of Danby Planning Board
Minutes of Regular Meeting
February 19, 2015**

Present:

Joel Gagnon
Anne Klingensmith
Frank Kruppa
Jim Rundle
Steve Selin

Absent:

Ted Melchen
Naomi Strichartz

Others Present:

Secretary Patty Jordan
Town Board Leslie Connors
Public Christy Evanek, Henry Peterson

The meeting was opened at 7:05 p.m.

Privilege of the Floor

Henry Peterson, Seven Circles LLC, handed out a document seeking Town support for continued construction at White Hawk EcoVillage. The document gave a brief history of the performance of the culvert since its construction in 2008 and ended with a request that the Town not restrict continued progress at White Hawk due to the existing culvert. Peterson stated that the culvert is designed to act as a weir and that it did not collapse during the major storm a few years ago that flooded Owego. He also said that they have been granted up to \$90,000 from the Tompkins County Community Trust Fund but that the money is being held because of a letter sent by Sue Beeners, Town of Danby Code Enforcement Officer. Peterson said that Beener's letter expressed concern about the existing bridge and put restrictions on construction at White Hawk. He would like the Town and the Town engineers to come to an agreement to let them continue to build so that the grant money can be released. He also talked briefly of improvements they've made, including reducing the retention pond on the upper level to reduce the amount of water flowing to the culvert. The PB members asked some questions regarding the existing culvert, bridge, and road. They asked if fire trucks could get through during an overflow and Peterson said he thought there would be no problem for heavy trucks to get through. Peterson also stated that the road has not washed away in the 7 years it has been there. The PB pointed out that there are liability and code issues that are of concern to the Town. Kruppa said that this is a Town Board decision and Peterson should focus on meeting their concerns which will probably be similar to the ones raised by the PB.

Christy Evanek, 275 Hornbrook Road, spoke to let the PB know that she would be coming back at their March meeting to present a proposal for a special permit for an apartment over her garage. She stated that she had a building permit when they built a detached garage and she thought it covered the apartment above it. She recently found out that it did not cover the apartment that has already been built and now is trying to get the situation fixed. The PB decided to hold a public hearing on this matter at its next meeting. Selin advised her to talk to her neighbors and explain the situation to them in advance of the public hearing.

Additions to Agenda

Gagnon asked for an update on the status of the PB's recommended changes to the Zoning Ordinance and Subdivision Regulations.

Klingensmith would like to discuss legal advice issues.

Minutes

The PB requested some changes to the draft January 15, 2015 minutes. There were some typos they would like corrected and they would like the following sentence deleted from the first paragraph under the "Gunderman Road PD #10 Proposal" heading: "The opinion of the code officer and town attorney is that such uses need special permit review by the Planning Board." PB members said that this sentence implies that they had the attorney's opinion before they met, but they did not. Kruppa will ask the Town Clerk to send the minutes to the PB secretary in a format that can be edited. The PB will review the edited version and consider approval at the next meeting.

Sketch Plan Review

Sketch Plan Review, consider setting public hearing date, proposed Subdivision of Tax Parcel 4.-1-11.22, 20.85 +/- acres total, located on German Cross Road, into 3 lots of approx. 2, 2.8, and 16 acres each. The subdivision also entails appeal of the minimum 200'foot frontage requirement of Section 600(5) of the Town of Danby Zoning Ordinance. Raymond and Lori Maratea, Owners.

There was discussion of the acreage and frontage requirements listed in the Zoning Ordinance and Subdivision Regulations. Gagnon said that there is no basis for this request because the road frontage is less than required. The applicants have only enough road frontage for one lot. Klingensmith pointed out that the reason for the road frontage requirement is to keep density down. It was suggested that the applicants could split the parcel into 2 lots; one 2-acre lot and one lot with the remaining acreage. This would require a frontage variance by the Board of Zoning Appeals because the applicants would be 40 feet shy of having the required 400 foot road frontage for 2 lots. It was also suggested that if the applicants want 3 lots, that they come back to the PB with a proposal to install a road and that they provide a more developed site plan. The Board decided that the proposal as it stands is not ready to be brought to a public hearing. Kruppa said he would convey the PB's two suggestions regarding the proposal to Sue Beeners in the Code Enforcement Office.

Gagnon pointed out that the way the Ordinance is structured, a lot can't be created by right unless it can be built on. He said that he felt it should be possible to sell a piece of land without the right to build on it. It was decided that this should be discussed at some point in the future.

Town Board Liaison Report

Connors said that the most recent Town Board meeting had been cancelled because of the weather. She also talked about a meeting she attended in Caroline regarding their comprehensive plan review. She said that Cooperative Extension had been brought in to run a workshop to help Caroline ask questions and decipher the feedback they received. Connors said that she would try to find out what results came from that workshop. Connors asked the PB members if they were caught up on their required training and handed out a list of possible training opportunities. There was general agreement that the PB would prefer to have training programs brought to them.

Zoning and Subdivision Recommendations

Kruppa confirmed that he sent the PB's recommended changes to the Subdivision Regulations and the Zoning Ordinance to the Town Board on February 19.

Legal Advice/Gunderman Road Proposal

Klingensmith and Gagnon both said they had spoken to the Town Supervisor and felt there was more information on possible legal issues related to the Gunderman Road proposal than what had been shared with the PB. Rundle said that if the Town Supervisor or Attorney had information, the PB should have been informed before they were asked to make a recommendation on the proposal. Klingensmith said that the PB drafted the recommended changes to the PD 10 law based on mitigating the impacts uses would have, not on the specific uses themselves. The TB wasn't involved in the first public hearing and so may not realize on what the PB based its recommendations. Selin said that he felt the PB's public hearing was a waste of time. He also said that if there needed to be two public hearings, they should both have been held before the same board.

Connors said that her impression was that there wasn't anything wrong with the Gunderman draft proposal, just that now more specificity is being requested. What is wanted is a specific list of committed uses and anything not on that list will require a special permit. It was pointed out that David Hall argued against a list of specific uses because it does not support the incubator business model. Klingensmith said that it doesn't really matter what the specific use is as long as it doesn't have unreasonable impacts. Kruppa pointed out that if a use caused new impacts other than what was specified in the PB's recommendation, then that use would have to come to the PB for approval.

Connors said that she heard from residents that some of them felt they hadn't been given a chance to provide input. Klingensmith said that the PB's recommendation to the TB regarding the Gunderman Road proposal had been a collaboration among David Hall, the PB members, and residents.

There was discussion of how the PB can know if they should be asking for legal advice before they make decisions. Kruppa said that all members of the PB should feel comfortable requesting that legal advice be sought.

The TB has asked the Town Attorney to attend their next meeting. There was general agreement that members of the PB should attend the next TB meeting where the Gunderman Road proposal will be discussed.

Draft Groundwater Protection Law

There was discussion of the status and the next steps that should be taken regarding the Draft Groundwater Protection Law. Klingensmith said that the draft law is really good and has provisions for protection town-wide as well as more stringent protection for zones that are right over the aquifers. There was question as to whether the Town Attorney reviews the law before or after the PB. Once the draft is set, the PB recommends that the TB set a public hearing.

MOTION – Have the Town Attorney review the Draft Groundwater Protection Law before it comes to the Planning Board for consideration.

Moved by Klingensmith, second by Selin.

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

The motion passed.

Comprehensive Plan Review Session

Gagnon presented his suggested revisions to the Population and Housing section of the Comprehensive Plan. Gagnon said that he felt the comprehensive plan is a visioning document that should be used as a prompt for initiating activities.

Kruppa stated that the PB needs someone outside the meetings to facilitate the comprehensive plan review process. Connors said she would contact the people at Cooperative Extension who offered the workshop in Caroline to see what they can offer. Kruppa said that he would contact Newfield and the County for advice.

Rundle indicated that he would have the Agriculture section ready for presentation at the next meeting. Selin said he had already presented the Utilities section, but that he would revisit it.

Set Public Hearing

Klingensmith pointed out that a vote had not yet been held to set the Evanek public hearing.

MOTION – SET PUBLIC HEARING

Moved by Klingensmith, second by Rundle, that the Town of Danby Planning Board schedule a Public Hearing for 7pm, March 19, 2015, to consider a Special Permit for an apartment above a detached garage, Christy Evanek, 275 Hornbrook Road.

In Favor: Unanimous.

The motion passed.

Adjournment

The meeting was adjourned at 9:02 p.m.

Patty Jordan, Planning Board Recording Secretary