

**Town of Danby Planning Board
Minutes of Regular Meeting
June 18, 2015**

DRAFT

Present:

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

Others Present:

Secretary Patty Jordan
Town Planner C.J. Randall
Public Chuck Bartosch (Clarity Connect), and others

The meeting was opened at 7:03 p.m.

Addition to the Agenda

Kruppa added a discussion of hiring a new PB secretary to the agenda.

Approval of Minutes

MOTION – Approve May 21, 2015 Minutes.

Moved by Gagnon, Second by Klingensmith

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

Abstain: Rundle

The motion passed.

Update on Broadband Project/Presentation by Chuck Bartosch, Clarity Connect

Bartosch gave an overview of the history of the Connect NY Broadband Grant Program and how it affects Danby. He laid out the timeline of events from the initial resolution and application to the eventual release of the money from the State. He said that the most recent plan is to install 6 telephone poles in Danby, 4 distribution poles and 2 relay poles. This will service at least 240 households but there will still be areas that won't be served by the poles. Bartosch said that if there is enough interest, those areas can be served with fiber. He stressed that it is important for Danby residents to pre-enroll in Clarity Connect as they will service the areas with the highest density of people signing up. He handed out two color maps showing the types of service that will be available in different areas of Danby. He said they are ready to begin installing the poles and can do about two a week. They hope to finish the entire project, including the possible fiber installation, within 8 months.

Ratification of May 2015 Resolutions

Ratification of May 2015 resolutions for a Special Permit for the site and building improvements for the New Moon Harvest project, proposed to be located at 1230 Danby Road, on the southwest corner of the Danby Road (NYS Route 96B) and Comfort Road intersection, Town of

Danby Tax Parcel No. 2.-1-8.1, 3.87 acres total, Commercial Zone “B,” Pamela Kaminsky, owner, and David Hall, applicant.

The Tompkins County Department of Planning sent a letter to CJ Randall regarding its finding that the David Hall’s proposed curb cut on Route 96B is potentially hazardous. They recommend that the curb cut either be eliminated or designed so as to allow adequate room for truck turnaround. Randall said that she discussed this with Hall and he agreed that if a turnaround could not be installed, he would not use a Route 96B entrance. Randall said that she changed the resolution to include this language.

Klingensmith asked for clarification as to what “dark sky standards” are exactly. Randall said that darksky.org gives a stamp of approval to fixtures that are compliant with their standards. Randall said that she will make sure that Hall uses only fixtures that have been given this stamp of approval.

**RESOLUTION No. 5 of 2015
SEQRA**

**Town of Danby Planning Board
New Moon Harvest
Town of Danby Tax Parcel No. 2.-1-8.1
1230 Danby Road
May 21, 2015**

WHEREAS: this action is a Special Permit for the site improvements for the New Moon Harvest project, located on the southwest corner of the Danby Road (NYS Route 96B) and Comfort Road intersection, Town of Danby Tax Parcel No. 2.-1-8.1, Commercial Target Area, Commercial Zone “B” by Pamela Kaminsky, owner, and David Hall, New Moon Harvest, LLC, applicant, and

WHEREAS: the applicant is proposing interior and exterior renovations to the existing commercial building which includes the Oasis Dance Club to a commercial production kitchen with associated retail, dining, office, tavern, a preexisting apartment, an outdoor farmer’s market, and a 3,000 +/- sq. ft. future addition. The proposed restoration of the pre-existing curb cut on NYS Route 96B requires a NYSDOT highway work permit, and

WHEREAS: this is an Unlisted Action under the State Environmental Quality Review Act, and is subject to environmental review, and

WHEREAS: the Tompkins County Planning Department and other interested parties have been given the opportunity to comment on the proposed project, and

WHEREAS: this Board, acting as Lead Agency in environmental review, has on May 21, 2015 reviewed and accepted as adequate: a Short Environmental Assessment Form, Part 1, submitted by the applicant, and Part 2, prepared by Lead Agency and Town Planning staff; drawings entitled “Survey Map: No. 1230 Danby Road,” prepared by T.G. Miller, P.C., and dated 9/18/2009; and “Site Plan L102,” prepared by STREAM Collaborative Architecture + Landscape Architecture, D.P.C. and dated 5/1/2015; and other application materials, **now, therefore, be it**

RESOLVED: that the Town of Danby Planning Board determines the proposed project will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act.

Moved by Strichartz, Second by Selin.

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

Abstain: Rundle
The motion passed.

**RESOLUTION No. 6 of 2015
Special Permit**

**Town of Danby Planning Board
New Moon Harvest
Town of Danby Tax Parcel No. 2.-1-8.1
1230 Danby Road
May 21, 2015**

WHEREAS: this action is a Special Permit for the site and building improvements for the New Moon Harvest project, proposed to be located at 1230 Danby Road, on the southwest corner of the Danby Road (NYS Route 96B) and Comfort Road intersection, Town of Danby Tax Parcel No. 2.-1-8.1, Commercial Zone “B,” Pamela Kaminsky, owner, and David Hall, New Moon Harvest, LLC, applicant, and

WHEREAS: the applicant is proposing interior and exterior renovations to the existing commercial building which includes the Oasis Dance Club to a commercial production kitchen with associated retail, dining, office, tavern, a preexisting apartment, an outdoor farmer’s market, and a 3,000 +/- sq. ft. future addition; and where the proposed restoration of the pre-existing curb cut on NYS Route 96B requires a NYSDOT highway work permit; and

WHEREAS: this is an Unlisted Action under the State Environmental Quality Review Act, and is subject to environmental review, for which the Town of Danby Planning Board, acting as Lead Agency, made a negative determination of environmental significance after having reviewed and accepted as adequate a Short Environmental Assessment Form, Part 1, submitted by the applicant, and Part 2, prepared by Lead Agency and Town Planning staff; and

WHEREAS: the Tompkins County Planning Department and other interested parties have been given the opportunity to comment on the proposed project, and

WHEREAS: the Planning Board at a Public Hearing on May 21, 2015, reviewed and accepted as adequate application materials, including drawings entitled “Survey Map: No. 1230 Danby Road,” prepared by T.G. Miller, P.C., and dated 9/18/2009; and “Site Plan L102,” prepared by STREAM Collaborative Architecture + Landscape Architecture, D.P.C. and dated 5/1/2015; and other application materials; *now, therefore, be it*

RESOLVED: that the Town of Danby Planning Board hereby grants a Special Permit for the New Moon Harvest development, finding that the standards of Article IX: Special Permits § 904 of the Town of Danby Zoning Ordinance and NYS Town Law § 274-b have been met; and

BE IT FURTHER RESOLVED: that the Town of Danby Planning Board finds that, as proposed, the outdoor activities will not be a nuisance and/or injurious to the use and enjoyment of neighboring properties;

BE IT FURTHER RESOLVED: that the Town of Danby Planning Board hereby grants said

Special Permit, for Stages 1, 2, and 3, subject to the following conditions: (with no requirement that Stage 2 must come before Stage 3):

Stage 1: Existing conditions (Use of the existing Building, patio / dining area, and exterior areas outside of patio / dining area)

Sound – Limit amplification of outdoor sound to small speakers, inward-facing, to limit the impact to the neighboring properties. The applicant will provide the Town with the technical specifications of the sound equipment to be installed. Any outdoor sound amplification must be preceded by installation of noise buffer.

Noise Buffer – A stamped landscape plan from a registered landscape architect for review and approval by the Planning Board to include native or non-invasive vegetative screening that is dense and thick enough to be a visually opaque barrier, with special consideration given to the South side of the property. This vegetative screening is to be paired with fencing. The noise buffer must result in a reduction of 3-5 decibels per 100 feet of the length of the barrier and prevent loud and/or unusual noise in accordance with § 701 of the Town of Danby Zoning Ordinance.

Lighting – New lighting must be compatible with Dark Sky standards. Existing lighting must be evaluated by these standards and shielded, if necessary, to limit light trespass to the neighbors, especially those to the West and South.

Dust – The same dust mitigation that is already in place for Oasis must be continued or improved as described in Town Board Resolution No. 47 of 2005, in conformance with Town of Danby Zoning Ordinance Article VII § 706, Off-Street Parking.

Dumpsters – The dumpsters must be located in the Northeast quadrant of the property and hidden from public view.

Driveway – Access from Comfort Road only.

Hours of Operation and Amplified Music – Abides to applicant's stated hours of operation for outdoor events in Stages 1, 2, and 3 will be Sunday through Thursday closed at 9:00 pm.; Friday and Saturday closed at 11:00 pm.

Stage 2: 3,000 sq. ft. addition

All of the conditions listed above for Stage 1 also apply to Stage 2.

Service Entrance – The proposed restoration of the pre-existing curb cut on NYS Route 96B requires a NYSDOT highway work permit. No through traffic will be allowed via the service entrance. Vehicles are prohibited from backing up onto Route 96B. The truck turnaround will be designed to accommodate truck turnaround on-site.

Noise Buffer – A stamped landscape plan from a registered landscape architect and a detailed

final site plan must be provided to the Town of Danby Planning Board. All neighbors within 200 feet of the property must be notified. Applicant agrees to prevent loud and/or unusual noise in accordance with § 701 of the Town of Danby Zoning Ordinance.

Hours of Operation and Amplified Music – Abides to applicant’s stated hours of operation for outdoor events in Stages 1, 2, and 3 will be Sunday through Thursday closed at 9:00 pm.; Friday and Saturday closed at 11:00 pm.

Stage 3: Market booths, pavilion / stage, and exterior areas outside of patio / dining area

All of the conditions listed above for Stage 1 and Stage 2, including but not limited to an updated, stamped landscape plan to the Town of Danby Code Enforcement Office for administrative review and neighbor notification, also apply to Stage 3.

Pedestrian Traffic – Prevent pedestrian traffic access directly from Route 96B.

Hours of Operation and Amplified Music – Abides to applicant’s stated hours of operation for outdoor events in Stages 1, 2, and 3 will be Sunday through Thursday closed at 9:00 pm.; Friday and Saturday closed at 11:00 pm. Applicant agrees to prevent loud and/or unusual noise in accordance with § 701 of the Town of Danby Zoning Ordinance.

Moved by Gagnon, Second by Selin.

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

Abstain: Rundle

The motion passed.

Planning Board Secretary Position

Jordan is leaving as PB recording secretary. Kruppa said that the BZA is also looking for a secretary and thought that combining the jobs and advertising for one person makes sense. There was general agreement that Kruppa should continue to work with the BZA to put together an ad.

Lawyer

Klingensmith said that she spoke with Dan Klein who said that the PB could have their own lawyer as long as it is approved by the Town Board. There was discussion of how to utilize the Town Attorney better in the future. There was general agreement that it would be helpful to have the Town Attorney come in person when his opinion is needed. Kruppa said it was important to stress to applicants that the PB may move slower than they like in order to consult the attorney if needed. Klingensmith said that she is not advocating for the PB to get their own attorney but did want to bring it up.

Update on Zoning

Gagnon asked for an update on the status of the Planning Board’s recommended changes to the Zoning and Subdivision Regulations. The PB submitted their recommendations to the Town Board in November 2014. He said that he spoke to Randall who mentioned that a moratorium may be the way to go. Randall said the moratorium could be as broad or as narrow as the PB likes. She said that the zoning should be based on the comprehensive plan. Given that the comprehensive plan is being revised, it makes sense to halt some or all projects while that is

being done. Randall said that she spoke with the town attorney and he would support a moratorium. She said that she would prepare a timeline and schedule public outreach sessions. In addition, a public hearing would need to be held before a moratorium could go into effect.

Kruppa said that the Town Attorney had reviewed the recommended changes and replied to the Town Board. The PB would like to be able to see the Town Attorney's comments before making a decision on whether or not to pursue a moratorium. Kruppa will check with Dietrich to see if the attorney's reply can be distributed to the PB members. Selin suggested that the PB request action from the TB on the recommended changes, even if it is just a "yes" or "no."

Motion – Request Action from the Town Board on the Planning Board's Recommended Changes to the Zoning Ordinance and Subdivision Regulations.

Moved by Klingensmith, Second by Rundle.

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

The motion passed.

Training

Klingensmith said that she would like to learn about different techniques to effectively control development in Danby. Melchen pointed out that there have been studies and plans done in the past. It was suggested that the Town Clerk would be able to provide them. Randall agreed to provide training to the PB on zoning and comprehensive planning. She will ask the Town Board to have this count toward the Planning Board's required training. Two sessions were tentatively agreed upon. The first is to be on July 30, with the second some time in August, the date to be determined by the results of a Doodle poll, which Randall agreed to conduct.

Planning Office Report

Klingensmith asked that the monthly summary report that Matt Cooper used to compile and distribute be continued. Randall said she would make sure it was continued.

Comprehensive Plan

Melchen handed out the Economics section and said that he would like to condense the introductory paragraphs. Several members expressed support for that change. He also wondered about the usefulness of the list of businesses. He will continue to work on the Economics section. Randall indicated that she could provide support to the Planning Board to assist in getting the revision done, and Jordan said she would give Randall all that she had from the Comp Plan work.

Adjournment

The meeting was adjourned at 8:45 p.m.

Patty Jordan, Planning Board Recording Secretary