

**Town of Danby Planning Board
Minutes of Regular Meeting
July 16, 2015
DRAFT**

Present:

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

Absent:

Steve Selin

Others Present:

Acting Secretary	Pamela Goddard
Town Planner	CJ Randall
Town Board	Leslie Connors

The Danby Planning Board Meeting was opened at 7:03pm

Approval of Minutes

Joel Gagnon noted that outgoing Planning Board secretary, Patty Jordan amended the June minutes with his suggestions.

MOTION - APPROVE MINUTES

Resolved, that the Town of Danby Planning Board approves the minutes of June 18, 2015.

Moved by Gagnon, Second by Klingensmith. The motion passed.

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

Abstain: Rundle.

Planning Board Training

There was a discussion regarding setting a date for training with Town Planner, Randall, to take place this summer. Randall has polled members of the Planning Board to set a date. Randall suggested that this training take place in August. This is still in process.

Amendments to Subdivision Local Law and Proposed Zoning Changes

The Planning Board discussed the implications, comments, and legal opinions from the Town Attorney and Susan Beeners regarding proposed amendments to the Subdivision Local Law and Zoning Ordinance. Randall noted that the recommendation from the Town Attorney and own Planners regarding proposed amendments to the Subdivision regulations may be the easiest to explain and consider.

Krogh, Beeners, and Randall all recommend entirely eliminating subdivisions by permit in the various places in the Law where it is described and making all subdivisions subject to Planning Board review. Randall noted that would be in keeping with the current legal definition of subdivisions and how they trigger mandatory review. Subdivision should not be an administrative action, but should always require legislative review by a Planning Board. It should not be up to a Town Planner or Code Officer to decide whether a subdivision gets approval.

Randall suggested definitions of minor and major subdivision in which a minor subdivision is a one-step plat (for a lot line adjustment or financing approval on a phased project) and major subdivision is two or more lots. Major subdivision would be a two step process, including two meetings of the Planning Board for preliminary and final review. Randall further recommended that an informal sketch plan meeting, in which a developer discusses the concept with the Planning Board, be a standard practice. Following sketch plan, there would be a clear and explicit process for preparing a complete site plan proposal for subdivision.

After some discussion, several members of the Planning Board expressed support for these recommendations. There was additional discussion regarding potential concerns for this process from the Town Board and/or members of the community. Historically, Danby's process of small scale land division by administrative permit was adopted due to strong pressure from residents that they not be subjected to the Planning Board process. Randall advised the Board that the requirement for subdivisions to undergo legislative review by a Planning Board is part of New York State Law as it has evolved in the last five to ten years.

There was an extensive discussion regarding ways in which the Danby planning and zoning ordinances should evolve at this time. Members of the Board held a preliminary discussion regarding how to zone in order to preserve rural character. This discussion included consideration of open space, design characteristics, and construction elements for energy efficiency, housing values, and appearance.

Randall offered to work with Sue Beeners to draft something new, related to the proposed amendments to Subdivision Local Law, for review and consideration of the Planning and Town Boards. They are also working on a clear and explicit set of guidelines and requirements for proposals. It is anticipated that these documents will be available for Planning Board review during its August meeting.

There was a related discussion regarding a possible zoning moratorium for some period of time during which changes to the zoning ordinance are considered and adopted. There was concern that there may be those who wish to have something approved prior to a change in the land division permit process. A moratorium may a tool to forestall a "land rush." Randall suggested that, if a moratorium is considered, it should be for 12-18 months and include completion of the Comprehensive Plan and a full Zoning Revision. There was discussion regarding whether a moratorium is an appropriate tool at this time. Randall urged the Board to review material regarding the uses of a moratorium.

There was an agreement to take no action at this time. This topic will be further discussed at the next Planning Board meeting.

The Board discussed the Town Attorney's opinion regarding draft zoning changes involving Motor Vehicle Service Businesses. Planner Randall summarized the attorney opinion: There is a legal difficulty pertaining to equal protection and due process in singling out one type of business for zoning restrictions.

Rundle expressed concern regarding the finding that within a commercial zone, similar landowners would be treated dissimilarly, "thus potentially violating the doctrine or rule of uniformity." Rundle was troubled with the attorney's opinion that the Board was unable to protect homeowners in commercial zones. The Board discussed this question.

There was discussion regarding whether it were more appropriate to change the zoning designation for the strip of Danby Road in question from Commercial C to Commercial A or B.

Randall suggested that Danby's current zoning is not "fine grained" appropriate enough. She encouraged a full review and zoning update, but cautioned that this will take 18-24 months. There was discussion considering that a moratorium for a full zoning update might be an appropriate action.

No action was taken at this time. The Planning Board will hold any recommendation regarding zoning changes for additional study and information. A discussion of zoning review will be on the next Planning Board agenda. The Board agreed to review material, sent by the Planner, regarding the uses of a moratorium for zoning changes.

Town Board Liaison Report

Connors reported on activities of the Town Board. She reminded the Planning Board that the next Water Resources meeting is August 13. There is a request to formally abandon a section of VanWoert Road, which has not been maintained for several decades. A petition requesting a lowered speed limit on the dirt section of Comfort Road was delivered to the Town Board. Connors noted that the Ag and Farmland Protection Board is seeking more members and that it would be good to have a Danby resident on the Board. There was some discussion regarding possible candidates.

Connors reported on gravestone repair in the West Danby Baptist cemetery. It is hoped that addition work will take place at other Town cemeteries as well.

Planning and Zoning Report

Randall reported on activities she's been involved with, including a group preparing an application for grant funding to extend the South Hill Recreation Way. She answered questions regarding where the trail will go and its relationship to other expanding trails. She additionally reported on Danby's informal inclusion in the Stormwater Coalition and a grant proposal being prepared through the Coalition for a water quality improvement project. The grant is for mapping culverts and sewer sheds, gathering data for storm water control measures.

Randall is working with the Conservation Advisory Council on a handbook of guidelines for how to best do an Open Space Inventory and other projects. Randall is also encouraging the Town to apply for a grant to hire a consultant for a town Agricultural Plan.

Comprehensive Plan Report

The Board discussed progress on revisions to the Comprehensive Plan. Randall now has background materials from previous assistants on the project. She will review these materials prior to the next Planning Board meeting. She will create a chart to estimate how long it will take to complete the review/revision by section. Different chapters have different requirements.

Adjournment

The meeting was adjourned at 8:43pm.

Pamela Goddard, Acting Planning Board Recording Secretary