

**Town of Danby Planning Board
Minutes of Regular Meeting
August 20th 2015**

FINAL

PRESENT:

Joel Gagnon
Anne Klingensmith
Frank Kruppa
Jim Rundle
Naomi Strichartz

ABSENT:

Ted Melchen
Steve Selin

OTHER ATTENDEES:

C.J. Randall - Town Planner
Kelly Cecala - Recording Secretary
Public - Faith Chase, Ted Crane, David Hall, and Jack Miller.

The meeting was opened at 7:05 pm.

CALL TO ORDER/AGENDA REVIEW:

Frank Kruppa handed out the agenda to the Board for comment and review, nothing was added or deleted.

PRIVILEGE OF THE FLOOR:

David Hall's application for the Gunderman Road project lead to a lengthy discussion about the overall process of hearing, reviewing, deliberating, and completing applications in a swift and timely manner. The conversation was started by Ted Crane, who questioned whether or not the public's "point of view" was being clearly represented (or even included) and then expressed his opinion about giving a more equal voice among town constituents. Crane commented that he hoped the process would change for the future and that some progress would be made towards Hall's application.

Crane also question what instructions were given to Town Attorney, Guy Krogh, when planning the rezoning documents and further suggested that documents might differ depending on what instructions

were given and by whom. Crane finally added that the momentum was building towards prejudice, depending on the point of view, and ultimately raised concern about not involving the public from the very beginning.

David Hall added that the rezoning effort for the Gunderman Road project had already been discussed in great length, which included its impact on others, and noted that the initial notification list was too localized and that the net has now widened. Hall raised concern about the timing of a new Public Hearing, in conjunction with needing to rezone again, assuming the Hearing was postponed. He explained that a working group, which comprised of the Town Attorney, Town Supervisor, Town Planner, project Architect and others, had been working together for the past five (5) months and generated the rezoning document in question.

C.J. Randall confirmed that the Town Board had deliberated the Gunderman Road project and then passed a resolution on Monday 8/17/15. Randall's plan was to set up a Planning Board Public Hearing for September to fully review the rezoning efforts of the project. Naomi Strichartz mentioned that the Planning Board had not received the Gunderman Road rezoning documents as of yet, and stated that a lengthy 26 page document would require sufficient time to review, and also commented that there may have been a communication "glitch" between Boards. Randall replied that she didn't have permission prior to Monday to advance the document from the Town Board.

Frank Kruppa then questioned the need for having a Public Hearing in September, and asked for a motion to have a public hearing, but it was none was offered. Randall then explained that the Planning Board is not a governing body and added that their primary role is to examine the details and act as an advisory board. Public Hearings can be set by the Town Board or Planner as needed, and the Planning Board does not need to vote on having one.

The Planning Board did not agree that a public hearing could be set without their approval and stressed the importance of not agreeing to a Public Hearing until documents had been received and sufficient time to review them was granted. (Once the meeting adjourned, Randall provided hard copies of the report to the Planning Board and confirmed that they had 62 days from today, to examine and write a brief summary on the Board's opinion.) Jack Miller questioned when a Public Hearing could be expected to be held. Kruppa confirmed that at this time, it would most likely be in October, once the Board has time to review the documents and within the given 62 day period.

APPROVAL OF JULY MINUTES:

The July meeting minutes were not reviewed, due to the lack of receipt from most Board members. July minutes will be added to September's agenda.

ADDITIONS TO SEPTEMBER AGENDA:

- 1) Review both July and August meeting minutes at the September meeting
- 2) Consider a Public Hearing for the Gunderman Road project

- 3) Discuss Groundwater Protection Law (Steve Winkley Revised Document)
- 4) Survey questions for Comprehensive Plan; format for distributing and collecting survey

DISCUSSION POINTS:

GROUNDWATER PROTECTION LAW (40 M)

C.J. Randall led the conversation and provided an update on the latest changes that were made to the law and the work efforts that were being made. Steve Winkley, with the New York Rural Water Association, is still working on the GIS portion of the law, which is forthcoming. A discussion took place about subdivisions and what the threshold should be for needing to provide water tests. Randall suggested that the realty subdivision of five (5) or more lots would make a good trigger for requiring testing. Also, Randall is still determining the cost of these tests and is consulting geologists and professionals. She is still working on some of the uses that are included in the law and particularly noting anything which is classified as high hazard in the building code; in addition to the discontinuance of uses that have a potentially greater impact. Randall commented that recent case law determined that you can discontinue “grandfathered” uses after a reasonable amortization period. Randall highlighted in the discussion that vulnerable aquifers need to be protected, and said that we should allow a certain number of new developments to occur, while also protecting our natural resources, the environment, and the ground water.

Anne Klingensmith commented that we are now down to the small details and that Winkley, a Source Water Protection Specialist, had been working on this ordinance from the very beginning, and expressed that she would like to see this law passed soon. Kruppa questioned what the process was from here. Randall stated that we are waiting for another law revision from Winkley and said that both she and Winkley involved in planning for public information meetings.

Klingensmith asked if a Planning Board Public Hearing would be held. Randall said no, that they were just information sessions, and mentioned two tentative dates in October for the Public Outreach, October 8th and October 29th. Kruppa questioned if it would come back to the Planning Board for a vote, after the two informational hearings. Randall said that to the best of her knowledge it would only go back to the Town Board, but she suggested that the Planning Board could request to be an involved agency as far as the SEQR (N.Y. State Environmental Quality Review Act) process goes. SEQR requires all state and local agencies to balance the environmental impacts with social and economic factors when deciding to approve or undertake an "Action."

Frank Kruppa then asked the PB if they wanted to be included or just a participant on this matter. Joel Gagnon point out that this law has planning implications and it will influence the town's "shape" and that the Planning Board should look at it from a planning perspective. Klingensmith agreed and said that the PB is an interested party, but doesn't want to slow the process down. Gagnon proposed a motion, which was not seconded. Jim Rundle asked if the PB should deliberate at next month's meeting. The consensus was all Board members would read Winkley's revised document, and that they would discuss their involvement and make a firm decision at the September meeting. Randall added that the

Board was emailed Winkley's revised documents on 8/16/15 and that she would forward that version to the Planning Board members for their review.

LAND USE TRAINING ON 9/3/15

C.J. Randall issued a handout and requested that the Planning Board select two topics to review at their training on 9/3/15 at 6:30 pm. Anne Klingensmith thought all the topics look interesting and asked Randall which topics she felt would be of most interest to the PB at this time. Jim Rundle commented that Comprehensive Planning was a current agenda point and suggested that this be one of the training discussions. The Board selected Comprehensive Planning and Local Board Procedures & Decisions. The Board will eventually cover all of the following topics over the next several months:

1. Zoning - The Basics
2. Comprehensive Planning (September)
3. Subdivision Regulations
4. Site Plan Approvals & Conditions
5. Variances
6. Special Use Permits
7. Environmental Review
8. Local Board Procedures & Decisions (September)

COMPREHENSIVE PLAN TIMELINE

C.J. Randall provided a handout with a proposed Comprehensive Plan timeline, it spanned from August 2015 through October 2016. She asked the PB if the timing seemed reasonable, if any sections needed to be changed, and/or if all of the sections on the timeline had previously been addressed. Kruppa commented that the timeline looked fine, with the exception of the "Economic Development" section which needed more attention. Anne Klingensmith suggested that "Sustainability" be added as a new section on the timeline. Joel Gagnon asked where "Housing" would appear. Randall confirmed that "Housing" would be mentioned in numerous sections. Randall also added that "Future Land Use Plan" is where the Map is created.

Frank Kruppa asked C.J. Randall to define what "Surveys" were on the timeline for Sep/Oct 2015. Randall made a suggestion to the Board that they could work together on creating a list of questions that would be asked of the community to get feedback on what the public knows about the Comprehensive Plan. Ted Crane questioned where the surveys (should) belong and what is best? Joel Gagnon asked what the mechanism was for distributing surveys. Randall's initial thought was that surveys could be mailed, posted online, printed in the Danby News, and/or placed on the Town's website. Ted Crane commented that the Danby News was not a good place to **put** a survey, because the response was low, however it was a good place to **announce** a survey. Naomi Strichartz added that online surveys eliminate a whole demographic. The Board will be discussing "Surveys" in more detail, as well as the means to distribute and collect them, at September's meeting.

TOWN BOARD LIAISON REPORT

Leslie Connors was not present. Jack Miller attended as an interested party. No other comments.

PLANNING & ZONING REPORT

Frank Kruppa asked C.J. Randall for an update on her discussion with the Town Board. Randall reported an Action to close/abandon Van Woert Rd. because the "informal" property line was being misused to drive A.T.V's.

C.J. Randall then discussed the topic of Storm Water Management and that the D.O.T and D.E.C. are working together on doing more natural stream management. In essence, hydrologists and geologists are taking a natural approach to define a stream's capacity, its behavior when banks are full, and its natural tendency to overflow. This data is used to manage the flow of water, versus bringing in large equipment and concrete barriers. Anne Klingensmith said that she currently tests water at the Red Flag Water Testing Site for the Community Science Institute. Randall remarked that this type of data could be used by the Stream Stats Program.

Joel Gagnon referred to a flood in West Danby in June and remarked that something needs to be done, or the continuation of flooding will occur. Randall concluded that all waterways, creeks, and streams need to be walked, understood, evaluated, and prioritized based on findings and previous flooding episodes.

Kruppa addressed Randall requesting a more comprehensive discussion from the Town Board about Zoning in particular and the Planning Board's proposed amendments to the Subdivision Local Law and Zoning Ordinance. At last month's meeting, Randall offered to work with Sue Beeners to draft something new relating to the proposed amendments for review and consideration by the Town Board.

Randall acknowledged that the Town Board has a very full agenda at every meeting and she wasn't recommending any "major zoning overhaul" until the Comprehensive Plan was done. Both Klingensmith and Gagnon spoke up that the requests were not an "overhaul" and that the Planning Board was suggesting to fix a few things that would make a difference and were relatively small quick fixes.

Kruppa asked if the Comprehensive Plan needed to be completed before any Zoning issues were addressed. Randall said no, topics can be discussed simultaneously and not in a "vacuum." She then referred to PDZ (Plan Development Zone) and stated that the uses need to be changed, or tightened up. Kruppa agreed and said that this is why the PB wants to discuss Zoning/PDZ, because no comprehensive look has been made since he was on the PB. Klingensmith then asked, where is the planning behind the PDZ?

Klingensmith continued, that the initial question to their quick fix solutions, had not been answered by the Town Board. No Action was taken. Kruppa added that the Town Attorney had reviewed them and that Randall was to discuss a plan with the Town Board. Klingensmith added that it felt like "unfinished

business" and wanted to know if the current process was a good idea or not and to please provide clarity.

Randall apologized for any oversight and made reference to the subdivision amendments. She reported that the Eagle Automotive business plan fell through, and it is now a code enforcement issue, not a zoning issue. The code enforcement issue is to determine whether it's meeting the underlying zoning. If the applicant is going to run the automotive business, then he needs to follow the approved site plan. The Planning Board had initially suggested to change the set back to 200 feet in the commercial zone. Randall also mentioned subdivision, and that she and Paul had been discussing what is allowed administratively as it stands, and will be working on this more as time permits.

Joel Gagnon brought up that Randall had previously indicated that our local subdivision regulations were not compliant and are inconsistent with the state and stressed that this was the reasoning behind the recommendation to change the subdivision numbers. Klingensmith added that she thought the Town Board would look at the Planning Board's change recommendation and think they made sense and act on them. Randall concluded that she had not yet prepared them, but would bring them to the next meeting.

COMPREHENSIVE PLAN REPORT

Comprehensive Plan Report will remain a standing item on the agenda, until the Comprehensive Plan is complete.

ADJOURNMENT

The meeting was adjourned at 8:58 pm.

Minutes completed by:

Kelly Cecala, Planning Board & Board of Zoning Appeals Recording Secretary