

**Danby Planning Board
Minutes of Regular Meeting
July 21, 2016
DRAFT**

Present:

Board: Joel Gagnon, Anne Klingensmith, Jim Rundle, Naomi Strichartz

Excused:

Board: Frank Kruppa, Steve Selin, Jody Scriber

Others Present:

Acting Secretary Pamela Goddard
Planner CJ Randall
Town Board Leslie Connors
Public Ted Crane, Walter Reimers, Elizabeth Reimers, Tom Seaney, Nancy Medsker, Colleen Strong, Nancy Kotmel, Vincent Kotmel, Alexis Dengel, and others.

Regular Meeting Opened at 7:04pm

Appoint Acting Chair

MOTION - ACTING CHAIR

Resolved, That the Planning Board appoints Joel Gagnon as acting Chair for this meeting.

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

In Favor: Klingensmith, Rundle, Strichartz, Gagnon

7:05 Public Hearings, First Hearing - Special Permit, 100 Gunderman Road

Please take notice, the Planning Board of the Town of Danby will hold the following public hearing to consider approval of a special permit for renovation of an existing unfinished structure as a second dwelling unit in a separate building for permanent occupancy at 100 Gunderman Road (tax parcel 8.-1-34.32). The project is located in Low Density Residential zone. This is a Type II action under the Town of Danby Environmental Quality Review and State Environmental Quality Review Act. Applicant: Alexis Dengel."

No written correspondence was received on this matter.

Walter Reimers asked for clarification as to why a special permit is needed, as work has already begun on the renovation? Gagnon clarified that the Danby Zoning Ordinance specifies that a second dwelling on a property in a low density zone requires a special permit. Alexis Dengel clarified that the renovation is in a pre-existing structure. She had a misunderstanding about the status of the renovation prior to beginning work.

7:08 - Close First Public Hearing

7:08 Public Hearings, Second Hearing - Special Permit, 1774 Danby Road

Please take notice, the Planning Board of the Town of Danby will hold the following public hearing to consider approval of a special permit for commercial uses (professional services; office space; retail store not to exceed 10,000 square feet, excluding formula retail facilities; and restaurant, excluding formula fast food facilities and drive-up and drive-through facilities) at the Danby Market, 1774 Danby Road (tax parcel 10.-1-13). The project is the renovation of an existing structure and is located in Commercial "B" zone. This is a Type II action under the Town of Danby Environmental Quality Review and State Environmental Quality Review Act. Applicant: Nancy Medsker.

No written correspondence was received on this matter.

Alexis Dengel voiced support for the project.

Nancy Medsker indicated that there will probably not be a cafe or store in the renovated building, due to requirements relating to water and sewerage. Medsker and Seaney will complete the exterior and then take a break to work on other projects.

Crane expressed concern regarding a lack of clarity in the description of the project. Different documents available via the web site contained widely differing descriptions. Gagnon responded to this concern, stating that the details of the proposal can be found in the Planning Board minutes. Crane went on to say that he had no objection to the proposed uses and found them, "benign and non-controversial."

A near neighbor to 1774 Danby Road expressed concern that she had not received notice of the hearing. Clerk Goddard noted that a neighbor letter had been returned with an incorrect address and apologized for that error.

Nancy Kotmel asked Medsker for more information as to how the building will be used. Medsker responded, noting that there is nothing in the Danby Code providing for a multi-use building. Medsker and Seaney have renovated the old store into three distinct spaces. Medsker spoke on limitations from Health Department Code regarding well and septic on a small lot. She noted different regulations in NYS code limits for store vs. cafe and again between those and requirements/limitations through NYS Ag & Markets. Under Ag & Markets, an in-store cafe is allowed as long as grocery sales are to be at least 50 percent of all sales. These disparate regulations further complicate having a cafe or store as part of the multi-use operation. Based on data collected during the Danby Hamlet study, and the limited space in the new renovation, Medsker further believes that a store/cafe would be too risky in the current economic situation. There was an expression of general disappointment at this news.

Gagnon asked whether an engineered waste water system is feasible? Seaney explained the impracticality of drilling for a second well on such a small lot. Medsker reported that they had talked with the health department about an engineered waste treatment system, but that this was not really possible with the current parking lot, etc. Her ultimate response was "If it's not broken, don't fix it."

Rundle asked about the "business incubator" clause and whether this is required in their plan? He noted that this was not in the previous discussions and stated that this is a "deal breaker" for him. He said that the term is too undefined. Medsker said that she is not attached to this term and readily agreed to remove that phrase from the proposal. Rundle said that he believed that any activity related to that term would fall under retail, office, or professional services. There was agreement between the Board and the applicant to remove the term.

Crane asked for clarification whether the limits to how the building can be used include what is currently allowed by right in Commercial Zone B. Gagnon addressed this question. He stated the concern about adequacy of specificity would be addressed during consideration of approval.

7:25 - Close Second Public Hearing

Privilege of the Floor

Crane made a request that Planning Board minutes be available in a more timely manner. He also requested that the minutes contain enough information regarding ongoing topics that someone reading a single set of minutes would understand the context.

Approve Minutes

Consideration of the May (June?) minutes was deferred until Secretary Cecala can be present.

Town Board Liaison Report - Joint Scoping Meeting, Town Board, Planning Board, Conservation Advisory Council

Connors reported on the status of several projects before the Town Board. The Public Hearing for the Groundwater Protection Law is to reconvene on August 8. PDZ10 Environmental Review scoping documents are due from the applicant by the end of July. Lew Billington was appointed to fill vacancy on the Board of Zoning Appeals, and Gary Bortz was appointed BZA Chair. The Appointment Policy and Procedure are under discussion.

There was a discussion of possible dates for a joint scoping meeting with the Town Board, Planning Board, and Conservation Advisory Council. Attending members of the Planning Board welcomed the idea of holding the joint scoping session during its September 15 meeting. Clerk Goddard informed Connors and the Planning Board that she has a prior commitment at that time, and that minutes will need to be taken by her deputy Sue McLellan and/or secretary Kelly Cecal.

Connors informed the Board that the Town Board passed the Local Law amending the Subdivision and Land Division regulations. The Law will be filed soon with the NYS Records Division.

There was additional Q&A regarding the Groundwater Protection Law and a potential prohibition on bulk water removal. CJ Randall provided an update, with information from a County Water Resources Council meeting. There are no preemption issues with a Town-wide prohibition on bulk water removal through zoning (the Town can prohibit, but not regulate). In the future, water well data statements will be submitted regularly with building permit reports. This data will help support water protection measures.

Consider Public Hearing Matters - Special Permit, 100 Gunderman Road

Strichartz noted that the structure in question is not visible from the road and there is enough acreage for the project. Klingensmith stated that she had no problem identified with this project.

RESOLUTION NO. XA OF 2016 - SPECIAL PERMIT FOR ACCESSORY DWELLING, 100 GUNDERMAN ROAD, TAX PARCEL NO. 8.-1-34.32

Whereas, this action is a Special Permit for renovation of an existing unfinished structure as a second dwelling unit in a separate building for permanent occupancy at 100 Gunderman Road in the Town of Danby, 14.58 acres, Low Density Residential Zone, Alexis Dengel, owner and Applicant;

Whereas, this action was determined to be a Type II Action not requiring environmental review under the Town of Danby Environmental Review of Actions and under the State Environmental Quality Review Act in accordance with the provisions of 6 NYCRR §617.5(c)(2); and

Whereas, the Tompkins County Planning Department, pursuant to §239 -l, -m, and -n of the New York State General Municipal Law determined the proposal has no negative inter-community, or county-wide impacts; and

Whereas, the Planning Board at a Public Hearing on July 21, 2016, reviewed and accepted as adequate application materials, including drawings entitled "Survey Map: No. 100 Gunderman Road," prepared by T.G. Miller, P.C., and dated 8/14/2006; "Site Plan," "Location Plan," "West/South Elevations," "East/North Elevations," "Utilities Plan," all prepared by Rob Licht and dated 6/01/16, and other application materials;

Now Therefore, be it

Resolved, that the Town of Danby Planning Board hereby grants a Special Permit, 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.

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

In Favor: Klingensmith, Rundle, Strichartz, Gagnon

Consider Public Hearing Matters - Special Permit, 1774 Danby Road

There was discussion regarding the wording in the *whereas* sections in the proposed resolution, particularly the second “whereas.” The discussion was focused on the wording for allowed uses in the multi-use facility.

There was a brief discussion regarding using the space as a music venue. Members of the Board cautioned the applicant against having loud amplified music at this location and noted that the quality of life for neighbors must be considered.

RESOLUTION NO. XB OF 2016 - SPECIAL PERMIT FOR COMMERCIAL USES AT 1774 DANBY ROAD, TAX PARCEL NO. 10.-1-13

Whereas, this action is a Special Permit for the site and building improvements for the property at 1774 Danby Road, in the Town of Danby on the northwest corner of Danby Road (NYS Route 96B) and Gunderman Road on Town of Danby Tax Parcel No.10.-1-13, 0.46 acres, Commercial Zone “B,” Nancy Medsker and Thomas S Seaney, owners, and Nancy Medsker, Applicant;

Whereas, the Applicant is proposing interior and exterior renovations to the existing commercial building for multiple use purposes which include professional services, office space, retail store (excluding formula retail facilities), restaurant (excluding formula fast food facilities and drive-up and drive-through facilities), studio arts and crafts workshop/gallery, and/or private garage not to exceed in aggregate the existing 4,340 square feet; and

Whereas, this action was determined to be replacement-in-kind which is considered a Type II Action not requiring environmental review under the Town of Danby Environmental Review of Actions and under the State Environmental Quality Review Act in accordance with the provisions of 6 NYCRR §617.5(c)(2); and

Whereas, this action is excluded from review pursuant to §239 -l, -m, and -n of the New York State General Municipal Law as there is no change in commercial use in the existing building and action does not involve any change in building footprint or change in vehicular access on a State or County highway; and

Whereas, the Planning Board at a Public Hearing on July 21, 2016, reviewed and accepted as adequate application materials, including drawings entitled “Site Plan C1.00,” “Exterior Elevations A2.00,” and “Concept Perspectives SK1.05,” all prepared by Jason K Demarest Architecture and dated 7/19/16, and other application materials;

Now Therefore, be it

Resolved, that the Town of Danby Planning Board hereby grants a Special Permit for the uses listed above, 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.

Moved by Strichartz, Second by Rundle. The motion passed.

In Favor: Klingensmith, Rundle, Strichartz, Gagnon

Code Reports

Klingensmith thanked Randall for the useful Code Enforcement Reports.

Randall informed the Board that informative reports regarding Tompkins County housing needs and analysis are available. Work is underway with Tompkins County Soil and Water to secure funds for culvert repair and replacement. The Highway Department is working with this project to identify culverts most in need of replacement. Soil and Water interns are mapping culverts across the county. This information will then be available for future needs. There was a general discussion regarding culvert size and heavy rain/flooding. Randall noted that planning for flooding needs is an on-going process.

Randall reported on the proposed Verizon monopole installation at the American Legion property. The representatives of Verizon are familiar with the Danby Telecommunications Law regulating such installations. While they intend to submit a full application, no application has been received yet.

Randall reported that the Town has received approval from the DEC to go ahead with the solar installation project on the Highway Department property on Hornbrook Road.

Other Reports and Discussion

Klingensmith reported that the Community Council's *Danby's Streams* presentation was a success.

There was a discussion of projects before the Planning Board. Randall stated that her time may be impacted by outstanding projects such as Environmental Impact Statement Scoping for PDZ10. There was a discussion as to the status is of various sections of revision of the Comprehensive Plan. Randall stated that she would like to see the Plan be more "robust," including photos and graphics. She would also like to see the PB work on Zoning review and revisions.

There was a discussion regarding the legal relationship between the Comprehensive Plan and Zoning Regulations. Randall reminded the Board that the Comprehensive Plan, on its own, is not a binding document. The power of the Comprehensive Plan is in its relationship to Zoning. Randall stated that, ideally, revisions to the Comprehensive Plan will be complete by the end of the year so that Zoning can be reviewed in 2017.

It was noted that Danby's current zoning regulations have a "disconnect" with the current Comprehensive Plan. Klingensmith noted that protections for clean air, clean water, and dark skies and quiet at night are strongly valued by Danby residents and need to be strengthened in the Comprehensive Plan. The need to review areas which need revision are a topic for discussion during the Joint Scoping meeting with the Town Board and Conservation Advisory Council.

Strichartz asked about methods to remove out dated Planned Development Zones in favor of more considered planning for development. Randall spoke to the process of review for old PDZs.

Adjournment

The meeting was adjourned at 8:17 pm.

Pamela Goddard, Acting Secretary