

Town of Danby Planning Board
Minutes of Regular Meeting
Thursday August 18, 2016

DRAFT

PRESENT:

Joel Gagnon
Anne Klingensmith
Steve Selin
Jody Scriber
Naomi Strichartz
Frank Kruppa

ABSENT:

Jim Rundle

OTHER ATTENDEES:

Town Planner C.J. Randall
Recording Secretary Kelly Cecala
Public Patrice Pastore, Steve Stein, Stephen Edgar, Lynn Rathbun, Russ Nitchman, Kim Nitchman,
Ted Crane, Warren Cross, James Sorrentino.

The meeting was opened at 7:04 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

C.J. Randall provided copies of the agenda. Gagnon requested to add the approval of the June minutes to the agenda.

(2) PRIVILEGE OF THE FLOOR:

Ted Crane at 888 Comfort Rd., made an event announcement about the upcoming bee presentation and hands on demonstration at 2 pm on August 20th.

Crane also wanted to address the floor regarding the East Miller Road action item on the agenda. He said this is another example where there is a request to divide a "reasonably" small parcel, located in a low density zone, into two *less* reasonably small parcels. Crane acknowledged that it is within the law and that not much can be done. But also said that perhaps post haste this type of "bulkinization" can be prevented in the future law. Crane said that he wished there was a way for the neighbors to buy up the property and put a conservation easement on it.

Warren Cross at 580 Nelson Rd., spoke to the room and echoed what Crane had said about the subdivision request on East Miller Road. Cross said that he was depressed about the ordinance and that it diffuses why it's a low density zone. He said he hoped to see some pressure to change it.

Jamie Sorrentino at 595 Nelson Rd., spoke and said that he tried to purchase what was being sold but said that it was too expensive. Sorrentino agreed with what Crane and Cross both said about the E. Miller Rd. subdivision.

Steve Stein at 339 E. Miller Rd., also proposes the subdivision for the sole reason that he is concerned about water. Stein said that every time there is a new development, there is the potential that a nearby well will run dry, or that it's capacity will be reduced. Stein's opinion was that the Town of Danby needs to do better planning for water and sewer.

Patrice Pastore at 332 E. Miller Rd., wanted to echo Stein's comments about water. She said that with the current drought she is also very concerned about running out of water and is conserving her water at home.

(3) APPROVAL OF MINUTES:

MOTION - Approve June Minutes

Moved by Gagnon, Second by Klingensmith

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

The motion passed

MOTION - Approve Amended July Minutes by removing the word May from the "Approve Minutes" section

Moved by Rundle, Second by Klingensmith

In Favor: Gagnon, Klingensmith, Scriber, Selin, Kruppa

Abstain: Strichartz

The motion passed

(4) TOWN BOARD LIAISON REPORT:

Leslie Connors was absent and no other Town Board member was present to give a report. Gagnon asked what the status was of the proposed joint meeting between the Town Board, Planning Board, and the Board of Zoning Appeals. C.J. Randall said that it was slated for September 15th 2016.

(5) ACTION ITEMS:

Action Item A:

Project: Minor Subdivision, 360 E. Miller Rd.

Location: 360 E. Miller Rd., Tax Parcel #6.-1-18.114

Applicant: Tomo Shibata

Anticipated Board Action(s) in August: Declaration of Lead Agency, Determination of Environmental Significance, Public Hearing, and Consideration of Final Approval

Project Description: The applicant proposes to subdivide the existing 8-acre property into two parcels: Parcel A, measuring 4 acres, with 268.47 feet of frontage on East Miller Road, 673.88 feet of depth, and undeveloped; and Parcel B, measuring 4 acres with 268.47 feet of frontage on East Miller Road, 673.88 feet of depth, and also undeveloped. The property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet. This is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

PLANNING BOARD RESOLUTION NO. 5 OF 2016 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, 360 E. MILLER RD., TAX PARCEL NO. 6.-1-18.114

Whereas, an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 6.-1-18.114, by Tomo Shibata, Owner and Applicant; and

Whereas, the Applicant proposes to subdivide the existing 8-acre property into two parcels: Parcel A, measuring 4 acres, with 268.47 feet of frontage on East Miller Road, 673.88 feet of depth, and undeveloped; and Parcel B, measuring 4 acres with 268.47 feet of frontage on East Miller Road, 673.88 feet of depth, and also undeveloped; and

Whereas, the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

Whereas, this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 B.2. Minor Subdivision, Option #2 – A small-lot minor subdivision is permitted, where the division results in a lot or lots of less than 8 acres, provided that the following criteria are met:

- a. No other division(s) or subdivision(s) involving the parcel being divided except for Land Annexation have taken place within the previous three (3) consecutive years;
- b. The subdivision results in no more than two lots, including the parcel being divided;
- c. Both lots resulting from the subdivision have frontage on a public road maintained year-round;
- d. Both lots resulting from the subdivision meet all other pertinent zoning requirements;
- e. No extension or improvement of an existing, or creation of a new public road, significant public utility infrastructure, or significant stormwater improvements, or extension of public benefit districts is involved;
- f. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are used within such Stormwater Local Law; and

Whereas, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

Whereas, State Law specifies that, for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action;

Now Therefore, be it

Resolved, that the Town of Danby Planning Board does hereby declare itself Lead Agency for the environmental review for the action of Minor Subdivision approval for Town of Danby Tax Parcel No. 6.-1-18.114, by Tomo Shibata, Owner and Applicant.

Moved by Gagnon, Second by Klingensmith

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

The motion passed

7:16 pm - First Public Hearing Opened, 360 E. Miller Rd.

Crane said that the after effect on the road (assuming two houses are built in that field) will make it look just as crowded as Gunderman Rd. and that it is supposed to be a low density zone.

Cross said one of the reason he purchased the property was for the preservation of green space and that his wife was an avid bird lover. Cross said that it's been tough watching the transformation of the area. He said that if we continue to cut up the land and limit the green space it will no doubt become undesirable (to the resident wildlife i.e. Northern Harrier) and it will simply become a suburban area. Cross pleaded and asked if there could be any consideration to keep the continuous green space and to limit the development in this low density area.

Lynn Rathbun at 79 Gunderman Rd., said that he has the undeveloped half of the property under contract and that the current lot size of 4 acres and 260 feet of road frontage is already no bigger than the majority of the lots on E. Miller Rd., with the exception of the corner lots.

Code Enforcement Officer, Paul Hansen said that although the Planning Board is not a governing body it was still important for these issues to be discussed. Hansen said that no one wants to see suburban sprawl continue and said that the zoning ordinance does need to be revised. Hansen added that it's the Town Board who needs to change it and said that more citizens need to attend the Town Board meetings (or send letters) and put pressure on them to make start making changes.

Russ Nitchman at 986 Steam Mill Rd., has a degree in environmental design and spoke about a town in New Jersey that tried to preserve green space by making the minimum a 5 acre lot. He commented that this wasted a lot of gas and was ugly. He said they finally made a change which allowed high density in one area whereas the rest of the lot was open space. Nitchman added that he didn't think the Town of Danby had thought the future through very well. He said that we (Danby) needs a better plan. Nitchman also said that if we try and stop zoning with 5 acre lots, it won't stop, it will just get ugly.

Stein commented that the map which was mailed in the Public Hearing announcement was misleading and that it didn't show all the houses in the notification area.

Discussion of Public Hearing matters - Environmental Significance of 360 E. Miller Rd.

Gagnon said that there is no environmental review associated with the actual house inspection. Crane asked if there were any grounds to deny building permits? Hansen said no; he added that there were some storm water issues that were addressed and the impact on well and septic was with the county.

Kruppa clarified that the Planning Board is simply looking at the environmental impact of drawing a line on the map and essentially cutting the lot into two lots. Klingensmith asked if there were Northern Harrier's breeding there? Cross said yes. Klingensmith said that Northern Harriers are a threatened species and are nesting there. Scriber said that we need to insist that the forms be filled out correctly and not sloppy as they were in the past. Klingensmith said that she used to be a part of the open space task force which up'd the acreage. She said that initially there was massive opposition and the Town Board was split when it was voted on and the number's dropped. Klingensmith commented that without massive support for zoning changes from the public, changes are less likely to happen.

Gagnon said the inconsistency with the Comprehensive Plan has been remarked and the reason it is inconsistent is because the zoning ordinance was never revised to reflect the last Comprehensive Plan. Gagnon commented we have a zoning ordinance which basically has a suburban version of Danby. The Comprehensive Plan is the vision but we don't have the law to match it. Crane agreed that the zoning and subdivision rules are not consistent with a common sense reading of the old Comprehensive Plan. He said that there is a court case asking for a ban on the issuance of new building permits and that it is going to fail because the Comprehensive Plan is not a binding document.

Selin said it allows for potential impact but drawing a line doesn't have any impact at all, it only changes the boundary line. Gagnon said to see it as creating a new lot and the consequences of there of.

PLANNING BOARD RESOLUTION NO. 6 OF 2016 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, 360 E. MILLER RD., TAX PARCEL NO. 6.-1-18.114

Whereas, an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 6.-1-18.114, by Tomo Shibata, Owner and Applicant; and

Whereas, the Applicant proposes to subdivide the existing 8-acre property into two parcels: Parcel A, measuring 4 acres, with 268.47 feet of frontage on East Miller Road, 673.88 feet of depth, and undeveloped; and Parcel B, measuring 4 acres with 268.47 feet of frontage on East Miller Road, 673.88 feet of depth, and also undeveloped; and

Whereas, the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

Whereas, this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 B.2. Minor Subdivision, Option #2 – A small-lot minor subdivision is permitted, where the division results in a lot or lots of less than 8 acres, provided that the following criteria are met:

- a. No other division(s) or subdivision(s) involving the parcel being divided except for Land Annexation have taken place within the previous three (3) consecutive years;
- b. The subdivision results in no more than two lots, including the parcel being divided;
- c. Both lots resulting from the subdivision have frontage on a public road maintained year-round;
- d. Both lots resulting from the subdivision meet all other pertinent zoning requirements;
- e. No extension or improvement of an existing, or creation of a new public road, significant public utility infrastructure, or significant stormwater improvements, or extension of public benefit districts is involved;
- f. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are used within such Stormwater Local Law; and

Whereas, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

Whereas, the Planning Board, being the local agency which has primary responsibility for approving the action, did on August 18, 2016 declare itself the Lead Agency for the environmental review, and

Whereas, legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Subdivision and Land Division Regulations, Article VI, § 601 II.H. Hearing and Notices; and

Whereas, this Board, acting as Lead Agency in environmental review, did on August 18, 2016 review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "Survey Map: No. 360 East Miller Road," prepared by T.G. Miller, P.C., and dated 8/2/2016; and other application materials; and

Whereas, the Planning Board did on August 18, 2016 make a Negative Declaration of Environmental Significance for the project, and

Whereas, the Planning Board recognizes that information received and reviewed for this Subdivision indicates the resultant parcels conform to area requirements in the Low Density Residential Zoning District;

Now Therefore, be it

Resolved, that the Town of Danby Planning Board determines the proposed Minor Subdivision 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.

After a lengthy open discussion about the applicant's environmental assessment the Planning Board had the following recommended changes:

Short Environmental Assessment Form - Page 1

2.) Change answer from Yes to No

4.) Only Residential is checked - Add Forest, Rural and Agriculture

Short Environmental Assessment Form - Page 2

5.b.) Change answer from Yes to No

14.) Suburban is checked - Change to Agriculture/Grasslands

15.) Change answer from No to Yes

Moved by Kruppa, Second by Selin

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

The motion passed

8:07 pm - Close First Public Hearing

PLANNING BOARD RESOLUTION NO. 7 OF 2016 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, 360 E. MILLER RD., TAX PARCEL NO. 6.-1-18.114

Whereas, an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 6.-1-18.114, by Tomo Shibata, Owner and Applicant; and

Whereas, the Applicant proposes to subdivide the existing 8-acre property into two parcels: Parcel A, measuring 4 acres, with 268.47 feet of frontage on East Miller Road, 673.88 feet of depth, and undeveloped; and Parcel B, measuring 4 acres with 268.47 feet of frontage on East Miller Road, 673.88 feet of depth, and also undeveloped; and

Whereas, the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

Whereas, this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 B.2. Minor Subdivision, Option #2 – A small-lot minor subdivision is permitted, where the division results in a lot or lots of less than 8 acres, provided that the following criteria are met:

a. No other division(s) or subdivision(s) involving the parcel being divided except for Land Annexation have taken place within the previous three (3) consecutive years;

b. The subdivision results in no more than two lots, including the parcel being divided;

c. Both lots resulting from the subdivision have frontage on a public road maintained year-round;

d. Both lots resulting from the subdivision meet all other pertinent zoning requirements;

e. No extension or improvement of an existing, or creation of a new public road, significant public utility infrastructure, or significant stormwater improvements, or extension of public benefit districts is involved;

f. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater

Management Practices, as each and all of such capitalized terms are used within such Stormwater Local Law; and

Whereas, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

Whereas, the Planning Board, being the local agency which has primary responsibility for approving the action, did on August 18, 2016 declare itself the Lead Agency for the environmental review, and

Whereas, legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Subdivision and Land Division Regulations, Article VI, § 601 II.H. Hearing and Notices; and

Whereas, this Board, acting as Lead Agency in environmental review, did on August 18, 2016 review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "Survey Map: No. 360 East Miller Road," prepared by T.G. Miller, P.C., and dated 8/2/2016; and other application materials; and

Whereas, the Planning Board did on August 18, 2016 make a Negative Declaration of Environmental Significance for the

project, and

Whereas, the Planning Board recognizes that information received and reviewed for this Subdivision indicates the resultant parcels conform to area requirements in the Low Density Residential Zoning District;

Now Therefore, be it

Resolved, that the Town of Danby Planning Board does hereby grant Preliminary and Final Subdivision Approval to the proposed Minor Subdivision of Town of Danby Tax Parcel No. 6.-1-18.114, by Tomo Shibata, Owner and Applicant, subject to the submission of the final approved plat, having a raised seal and signature of a registered licensed surveyor, filed with the Tompkins County Clerk within six (6) months.

Moved by Gagnon, Second by Selin

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

The motion passed

Action Item B:

Project: Tenwood Lodge Tourist Home

Location: 986 Steam Mill Rd.

Applicant: Russell and Kim Nitchman

Anticipated Board action(s) in August: Declaration of Lead Agency

Project Description: The applicant is proposing the approval of a special permit for a tourist home on tax parcel 14.-1-22.2. The project is within an existing structure and is located in the Low Density Residential Zone. This is a Type I action under the Town of Danby Environmental Quality Review and State Environmental Quality Review Act.

Gagnon asked why they need a full SEQR? Randall said that there property is very sizable and has a stream and DC regulated wetlands so it automatically triggers a Type I Action by our local SEQR. Gagnon said that the form is very incomplete. Randall said that she encouraged the applicant to leave anything not applicable blank. Kruppa clarified that tonight we are only declaring lead agency and that a Public Hearing will be set to determine the environmental impact.

PLANNING BOARD RESOLUTION NO. 8 OF 2016 - DECLARATION OF LEAD AGENCY, SPECIAL PERMIT FOR TENWOOD LODGE TOURIST HOME, 986 STEAM MILL RD., TAX PARCEL NO. 14.-1-22.2

Whereas, an application has been submitted for review and approval by the Town of Danby Planning Board for a special permit for a tourist home at Town of Danby Tax Parcel No. 14.-1-22.2, by Russell and Kim Nichtman, Owners and Applicants; and

Whereas, this proposal action is reviewed under Article IX: Special Permits, of the Zoning Ordinance of the Town of Danby, amended through June 10th, 2013; and

Whereas, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Section IX of Local Law 2 of 1991 Environmental Review of Actions in the Town of Danby, require that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

Whereas, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

Whereas, the Planning Board is the local agency with primary responsibility for approving the action;

Whereas, this is a Type I Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under the State Environmental Quality Review Act, both of which require environmental review; and

Whereas, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies;

Now Therefore, be it

Resolved, that the Planning Board of the Town of Danby hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Town Board intends to declare itself Lead Agency for purposes of SEQRA for this Type I and Unlisted Action, unless objection to such designation is received within thirty (30) days.

Moved by Klingensmith, Second by Gagnon

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

The motion passed

Action Item Discussion:

Gagnon pointed out several areas on the form that were not filled in and said that it was irrelevant if they were instructed not to complete it. Randall said that the applicant was present if there was a question left blank that the Planning Board needed an answer to. Gagnon asked if a Public Hearing needed to be scheduled and moved to set a Public Hearing on this matter for 7 PM on the next scheduled Planning Board meeting on September 15th. Selin said that he thought we should do away with voting to set Public Hearings and let Randall schedule them. Randall suggested to keep the Joint Meeting/Public Hearing scheduled for 7 PM. The applicants were reluctant to have their Public Hearing at the same time of the Joint Meeting. Randall said that a time did not need to be established now just as long as official notice is given. The Planning Board granted Randall permission to schedule the Public Hearing herself.

Action Item C:

Project: Verizon Wireless Telecommunications Facility

Location: American Legion Post No. 221, 1231 Danby Road

Applicant: Robert J. Brenner for Verizon Wireless

Anticipated Board action(s) in August: Declaration of Lead Agency

Project Description: The Applicant proposes to construct a large telecommunications facility at the American Legion Post No. 221. The facility will consist of a 109' monopole tower with additional 1' lightning rod, a 12' x 22' equipment platform, and other associated site improvements. The project is in the Low Density Residential Zoning District. This is a Type I Action under the Town of Danby Local Law 3 of 1999 Regulating the Siting of Wireless Telecommunications Facilities and an Unlisted Action under the State Environmental Quality Review Act, and is subject to environmental review.

Action Item Discussion - Verizon Wireless

Klingensmith asked before declaring the Planning Board as the Lead Agency - how is the Planning Board qualified to evaluate this proposal? Kruppa said that the Town Board assigned this to the Planning Board. Strichartz said that her and Joel helped draft the law that the telecommunications tower sits on. Randall said that a lot of this is SEQRA and said that this is mostly about visual impact. Randall said once we declare lead agency it will move forward and it will go to county planning. Klingensmith said that she read in the proposal that Verizon has authority to site towers and that they did an extensive study before selecting the proposed location. Randall offered to email the Planning Board the Danby local Telecommunications Law. Crane stated that he had some limited involvement in a similar proposal in Newfield and forewarned the Planning Board to look and the application carefully for mistakes.

PLANNING BOARD RESOLUTION NO. 9 OF 2016 - SEQRA INTENT TO DECLARE LEAD AGENCY – UPSTATE CELLULAR NETWORK DBA VERIZON WIRELESS TELECOMMUNICATIONS FACILITY, 1231 DANBY ROAD, TAX PARCEL NO. 2.-1-7

Whereas, an application has been submitted for review and approval by the Town of Danby Planning Board for a special permit and site plan approval for a telecommunications facility at American Legion Post No. 221, Town of Danby Tax Parcel No. 2.-1-7, by Robert J. Brenner for Verizon Wireless, Applicants;

Whereas, this action is reviewed under the Town of Danby Local Law 3 of 1999 Regulating the Siting of Telecommunications Facilities; and

Whereas, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Section IX of Local Law 2 of 1991 Environmental Review of Actions in the Town of Danby, require that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

Whereas, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

Whereas, the Planning Board is the local agency with primary responsibility for approving the action;

Whereas, this is a Type I Action under Town of Danby Local Law 3 of 1999 Regulating the Siting of Telecommunications Facilities Section 6.T), and an Unlisted Action under the State Environmental Quality Review Act, both of which require environmental review; and

Whereas, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies; and

Now Therefore, be it

Resolved, that the Planning Board of the Town of Danby hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Town Board intends to declare itself Lead Agency for purposes of SEQRA for this Type I and Unlisted Action, unless objection to such designation is received within thirty (30) days.

Moved by Klingensmith, Second by Gagnon

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

The motion passed

(6) PLANNING & ZONING REPORT:

C.J. Randall reported on the termination of PDZ 10 project review. Crane clarified that the applicant withdrew first. Randall added that the applicant was unable to proceed with the vigorous Environmental Quality Review. Strichartz made the suggestion that the Planning Board formally ask the Town Board to try and eliminate the dormant PDZ's in Danby. Selin asked if we have a resolution to vote on at this moment and if not would Naomi be willing to prepare it? Strichartz offered to draft a resolution to eliminate the inactive PDZ's in Danby.

Randall said that an analysis needed to be done first and that we need to propose what we want to replace them with. Klingensmith stated that the whole concept was flawed from the start. She said that some of the PDZ's are active and some are not. Klingensmith said that each PDZ needs to be looked at and that it should be able to assume the surrounding zone. Kruppa asked if the property owner would be asked? Randall said they need to be. Kruppa said that he didn't feel comfortable making any suggested changes to the current PDZ's without understanding what they are and why they are there.

Scriber said that we should identify the "slam dunks" versus those that need more study. Selin said that someone needs to take a current inventory of where all the PDZ's are, what they are zoned for, and what is happening there. Randall said that once the analysis is done she can easily make a simple map showing the PDZ locations and the surrounding properties. Randall said that she has been working on this project already - mapping out the PDZ location, identifying what's being used, and making a recommendation to the Town Board.

Crane suggested that Planning Board give the Town Board a general letter which states, we think that something should be done about this and if you would like, please assign us this task and we will prepare you a report. Randall said that it worked with subdivision!

Randall stated that Danby applied for Restore New York funding to demolish or rehabilitate either condemned or abandoned properties. Randall and Hansen are working on getting a good inventory list together for potential properties that are around Central Danby. Randall said she would apply for West Danby separately.

Randall reported that she worked with the Highway Department last month on a culvert project near Michigan Hollow Rd. and Smiley Hill Rd. She said that the state has decided that removing barriers to aquatic habitat is one of the biggest areas of funding because of potential tourism. Randall said that Danby applied for \$150,000 in funding from the aquatic habitat restoration program to replace failing culvert's in Danby.

Randall reported on the new subdivision regulations and the word is getting out. She said that now would be a good time to work on zoning and increasing lot sizes. Gagnon said that we could go with 5 acres if we do away with 200 feet of road frontage. Gagnon said that it should be written as AND not OR.

Randall said that the Groundwater Protection Law passed but that there are some amendments being made. She said that the strongest place for the well testing criteria is found in our local SEQR. Randall said that she will be making amendments to SEQR local law and the Code Enforcement local law.

(7) ADJOURNMENT

The meeting was adjourned at 9:01 pm.

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