

Town of Danby Planning Board
Minutes of Regular Meeting
November 16, 2017

FINAL

PRESENT:

Scott Davis
Joel Gagnon
Jody Scriber
Frank Kruppa

ABSENT:

Jim Rundle
Naomi Strichartz

OTHER ATTENDEES:

Town Board	Leslie Connors
Town Planner	C.J. Randall
Recording Secretary	Kelly Cecala
Public	Charlie Tilton, Pat Woodworth, Matt Ulinski, Ted Crane and Josh Sawyer.

The meeting was opened at 7:05 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

Gagnon requested to add a discussion about Waste Water Management in Danby. Davis asked for time to discuss a personal topic of interest. There were no other changes and/or deletions made to the agenda.

(2) PRIVILEGE OF THE FLOOR:

During the opening of privilege of the floor, chairman Kruppa reminded the public to keep their comments respectful and addressed directly to members of the Board.

Josh Sawyer at 966 Comfort Rd. explained to the Board that he had just received the letter which notified him that his next door neighbor was looking to subdivide their property. Sawyer said that he was here to attend the Public Hearing to find out what was going on and questioned the overall notification process. He commented that it would more courteous to have advance notice prior to the Public Hearing. Kruppa said that all applicants are encouraged to discuss property matters within their neighbors but that it is not a requirement.

Ted Crane agreed with what Sawyer said about giving the public advance notice and commented that the Town should make a better effort to send out notifications on receipt of the application (at the start of the process) versus at the very end just prior to the Public Hearing.

(3) APPROVAL OF MINUTES:

The approval of the October 2017 Planning Board minutes was deferred to next month's meeting.

(4) TOWN BOARD REPORT:

Connors said that there are several positions that are either open and/or coming up for reappointment on various Boards within the Town. Connors reported that the budget passed with a zero increase in the tax levy and that people can expect to see between \$1,100 and \$1,200 decrease per \$100,000 property assessment. Connors reminded everyone of the joint scoping meeting on Tuesday November 28th and made the suggestion of either including or at least inviting members of the BZA to future scoping meetings.

(5) ACTION ITEMS:

Project: Minor Subdivision

Location: 808 Comfort Road, Tax Parcel # 9.-1-13.22

Applicant: David Mastroberti

Anticipated Board action(s) this month: Declaration of Lead Agency.

Project Description: The Applicant proposes to subdivide the existing 62.04-acre property into two parcels: Parcel I, measuring 42.99 acres, with 887 feet of frontage joined by a tie line across Comfort Road, 1289 feet of depth, with existing house; and Parcel II, measuring 19.05 acres with 883 feet of frontage on Comfort Road, 1018.65 feet of depth, and 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 an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

Due to a personal conflict of interest, Chairman Kruppa recused himself from the 808 Comfort Rd. subdivision discussion and appointed Gagnon as interim Chairman during this discussion. The Board reviewed the provided maps with the help of Randall.

PLANNING BOARD RESOLUTION NO. 41 OF 2017 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, 808 COMFORT ROAD, TAX PARCEL #9.-1-13.22

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. 9.-1-13.22, by David Mastroberti, Owner and Applicant; and

Whereas the Applicant proposes to subdivide the existing 62.04-acre property into two parcels: Parcel I, measuring 42.99 acres, with 887 feet of frontage joined by a tie line across Comfort Road, 1289 feet of depth, with existing house; and Parcel II, measuring 19.05 acres with 883 feet of frontage on Comfort Road, 1018.65 feet of depth, and 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 #1 – A large-lot minor subdivision is permitted, provided that the following criteria are met:

- a. Both lots resulting from the minor subdivision are (8) acres or more, each with frontage on a public road maintained year-round;
- b. Both lots resulting from the minor subdivision meet all other pertinent zoning requirements;
- c. 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;
- d. 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;

e. The subdivision results in no more than two lots, including the parcel being divided; 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. 9.-1-13.22, by David Mastroberti, Owner and Applicant.

MOTION – Declaration of Lead Agency

Moved by Scriber, Second by Davis **The motion passed**

In Favor: Davis, Gagnon, Scriber

Abstain: Kruppa

The Board questioned if this resolution would pass with Kruppa abstaining from the vote. Is it the majority of the voting membership required to pass or the majority of the established quorum? The resolution will be brought back to the next meeting if necessary.

Project: Minor Subdivision

Location: 145 Peter Road, Tax Parcel # 28.-1-6.22

Applicant: Matthew E. Haney

Anticipated Board action(s) this month: Public Hearing; Determination of Environmental Significance; Preliminary and Final Approval.

Project Description: The Applicant proposes to subdivide the existing 28.10-acre property into two parcels: Parcel A, measuring 5.205 acres, with 350 feet of frontage on Peter Road, 647.97 feet of depth, with existing house; and Parcel B, measuring 22.895 acres with 661 feet of frontage on Peter Road, 1093 feet of depth, and 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 2 Actions and an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

The Public Hearing Opened at 7:25 pm.

The Board had several questions about the maps provided. Randall stated that a full view of the parent parcel was presented. After a discussion with Randall about what was being subdivided the Board reviewed the Short EAF. The Board had no recommended changes and passed the following resolution:

PLANNING BOARD RESOLUTION NO. 42 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, 145 PETER ROAD, TAX PARCEL # 28.-1-6.22

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. 28.-1-6.22, by Matthew E. Haney, Owner and Applicant; and
Whereas the Applicant proposes to subdivide the existing 28.10-acre property into two parcels: Parcel A, measuring 5.205 acres, with 350 feet of frontage on Peter Road, 647.97 feet of depth, with existing house; and Parcel B, measuring 22.895 acres with 661 feet of frontage on Peter Road, 1093 feet of depth, and 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 this Board, acting as Lead Agency in environmental review, did on November 16, 2017 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 for Matthew Haney and Kimberly Haney,” prepared by Williams & Edsall Land Surveyors, PC, and dated September 21, 2017; and other application materials;

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.

MOTION – Determination of Environmental Significance

Moved by Gagnon, Second by Scriber The motion passed

In Favor: Davis, Gagnon, Scriber, Kruppa

The Public Hearing Closed on 7:29 pm.

PLANNING BOARD RESOLUTION NO. 43 OF 2017 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, 145 PETER ROAD, TAX PARCEL # 28.-1-6.22

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. 28.-1-6.22, by Matthew E. Haney, Owner and Applicant; and

Whereas the Applicant proposes to subdivide the existing 28.10-acre property into two parcels: Parcel A, measuring 5.205 acres, with 350 feet of frontage on Peter Road, 647.97 feet of depth, with existing house; and Parcel B, measuring 22.895 acres with 661 feet of frontage on Peter Road, 1093 feet of depth, and 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 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 July 20, 2017 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 for Matthew Haney and Kimberly Haney," prepared by Williams & Edsall Land Surveyors, PC, and dated September 21, 2017; and other application materials; and

Whereas the Planning Board did on November 16, 2017 hold a Public Hearing and 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. 28.-1-6.22, by Matthew E. Haney, 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.

Include in the Resolution that a Public Hearing was also held on November 16, 2017 (done - see above)

MOTION – Preliminary and Final Approval

Moved by Scriber, Second by Gagnon The motion passed

In Favor: Davis, Gagnon, Scriber, Kruppa

Project: Minor Subdivision

Location: Comfort Road, Tax Parcel # 15.-1-11.3

Applicant: Cynthia Black and Andrea Butje

Anticipated Board action(s) this month: Public Hearing; Determination of Environmental Significance; Preliminary and Final Approval.

Project Description: The Applicant proposes to subdivide the existing 17.806- acre property into two parcels: Parcel A, measuring 3.336 acres, with 234.61 feet of frontage on Comfort Road, 650 feet of depth, and undeveloped; and Parcel B, measuring 14.446 acres with 234.61 feet of frontage on Comfort Road, 1678.91 feet of depth, and 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 an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

The Public Hearing Opened on 7:31 pm.

Josh Sawyer expressed his concerns with the property being built on (again) and had specific questions regarding what the owner was intending to build. Kruppa explained that the application was only to subdivide the property. Randall added that there was no pending building permit at this time and that no building plans were submitted along with the application. Sawyer asked how quickly the owners could build if they wanted to. Kruppa said that if the subdivision was approved they could apply for a building permit immediately.

Crane commented that the previous property owner spent several years accumulating parcels and had obtained a special permit for a B&B. Crane said the Planning Board at the time granted the special permit thinking it would not be transferable if the property was sold. Randall said that the permit goes with the land and that a permit was first issued in May 2009 and then again a few years later for parcels 15.-1-11.41 and 15.-1-11.42 neither of which are being considered tonight. Davis added that this was another thing to consider when discussing special permits.

There was some discussion and confusion about the maps provided that needed clarification by Randall. Davis said an overlay and/or a color code (one for parent parcel and one for the proposed subdivision) to differentiate the property lines would be clear and helpful. Kruppa suggested drawing the proposed subdivided lot on the parent parcel map and said that the surveyors should be able to do fulfill this basic request.

After reviewing the Short EAF the Board had no recommended changes and passed the following resolution:

PLANNING BOARD RESOLUTION NO. 44 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, COMFORT ROAD, TAX PARCEL NO. 15.-1-11.3

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. 15.-1-11.3, by Cynthia Black and Andrea Butje, Owners and Applicants; and

Whereas the Applicants propose to subdivide the existing 17.806-acre property into two parcels: Parcel A, measuring 3.336 acres, with 234.61 feet of frontage on Comfort Road, 650 feet of depth, and undeveloped; and Parcel B, measuring 14.446 acres with 234.61 feet of frontage on Comfort Road, 1678.91 feet of depth, and 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 #1 – 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 this Board, acting as Lead Agency in environmental review, did on November 16, 2017 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 Showing Lands to be Conveyed by Andrea L. Butje & Cynthia R. Black," prepared by T.G. Miller, P.C., and dated August 28, 2017; and other application materials; and

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.

MOTION – Determination of Environmental Significance

Moved by Gagnon, Second by Davis The motion passed

In Favor: Davis, Gagnon, Scriber, Kruppa

The Public Hearing Closed on 7:47 pm.

PLANNING BOARD RESOLUTION NO. 45 OF 2017 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, COMFORT ROAD, TAX PARCEL NO. 15.-1-11.3

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. 15.-1-11.3, by Cynthia Black and Andrea Butje, Owners and Applicants; and

Whereas the Applicants propose to subdivide the existing 17.806-acre property into two parcels: Parcel A, measuring 3.336 acres, with 234.61 feet of frontage on Comfort Road, 650 feet of depth, and undeveloped; and Parcel B, measuring 14.446 acres with 234.61 feet of frontage on Comfort Road, 1678.91 feet of depth, and 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 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 the Planning Board held the required Public Hearing on November 16, 2017; and

Whereas this Board, acting as Lead Agency in environmental review, did on November 16, 2017 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 Showing Lands to be Conveyed by Andrea L. Butje & Cynthia R. Black," prepared by T.G. Miller, P.C., and dated August 28, 2017; and other application materials; and

Whereas the Planning Board did on November 16, 2017 hold a Public Hearing and 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. 15.-1-11.3, by Cynthia Black and Andrea Butje, Owners and Applicants, 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.

Include in the Resolution that a Public Hearing was also held on November 16, 2017 (done - see above)

MOTION – Preliminary and Final Approval

Moved by Gagnon, Second by Scriber The motion passed

In Favor: Davis, Gagnon, Scriber, Kruppa

Project: Subdivision

Location: Curtis Road, Tax Parcel # 23.-1-10.2

Applicant: Michael Amodie

Owner: Deborah A. Friends

Anticipated Board action(s) this month: Recommendation to Board of Zoning Appeals.

Project Description: The Applicant proposes to subdivide the existing 109.77-acre property into two parcels: Parcel A, measuring 4 acres and undeveloped; and Parcel B, measuring 105.77 acres and 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 an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

The Board continued their discussion from last month's sketch plan review. Randall provided some additional information on the local road law. Gagnon stated that he remembers that the motivation for changing the designation from seasonal to minimal maintenance being to enable disallowing someone getting a building permit on the road.

There was a lengthy discussion regarding whether or not it should be treated as a standard subdivision. Randall said that the property was subdivided less than three years ago (March 2018) therefore the Planning Board would need to issue a waiver in order for this action to be handled as a minor subdivision and make a recommendation to the BZA on the frontage on a year-round road issue.

Randall stated that the point of the area variance from the BZA is to create a buildable lot on a seasonal road with no frontage, otherwise he can just buy an access easement to just camp on the property. Gagnon said he has already been camping on the land. Scriber added that he wants to own the land now and that he probably does intend to build. Gagnon commented that he did not see a reason to do it and that it will add additional costs to the Town, he referred to Marsh Rd.

The Board agreed that the applicant's intentions on what he wanted to do with the land was unclear. Randall said that the BZA can make conditions on the use of the land. Davis made the comment that he didn't think the Board should tie the two together. Davis added that the applicant is only asking to buy this wood lot and that there should be a way to sell it as such. He said that it is not up to the Board to try and figure out what he wants to do with the lot and that there are procedures in place if he decides that he ever wants to build.

Randall clarified that there are two different provisions and two different documents (land division regulations and zoning) the language may be duplicated in both documents but they are not the same. She added that for the applicant to build, a *waiver* would *first* need to be provided by the Planning Board for the subdivision regulations *and* an *area variance* from the BZA for zoning.

The Board had a lengthy discussion regarding how the recommendation to the BZA should read. Gagnon made an initial motion to deny the area variance, which was seconded by Davis. Davis said that if it is subdivided and he buys the lot, he still cannot build, so let him own the land. Gagnon said there are no provisions in our Town to buy a wood lot; the presumption is if you subdivide on a seasonal road then you need to create a legal-buildable lot. Gagnon eventually withdrew the motion.

Gagnon made the suggestion to add the condition to the variance that a permanent structure could not be built but will still allow the applicant to have his land. Gagnon said if the variance was granted with this condition and it came back to the Planning Board that he would be willing to consider approving the subdivision. Scriber said she felt OK with this suggestion because the Board would have another opportunity to review it and the applicant would know upfront and agree to the condition.

MOTION – The Planning Board recommends to the Board of Zoning Appeals that the area variance for the Amodie appeal only be granted with the condition that a permanent dwelling not be permitted.

Moved by Gagnon, Second by Kruppa The motion passed

In Favor: Davis, Gagnon, Scriber, Kruppa

(6) DISCUSSION ITEMS

Waste Water Management

Gagnon said that he thought it would be a major lift to create a sewer district for the entire hamlet of West Danby but that it appears to be problematic to do it for just one parcel. Gagnon spoke about the idea of creating a "floating zone" or a sort of template where an environmental impact study can be done for a wastewater district or "zone" so that it would be easier to place joint systems in various areas within a floating zone. Kruppa commented that this strategy commits the Town to a larger area of potential waste water management which is a harder to sell. Gagnon said that over time the joint systems could be connected.

Kruppa spoke from the Health Department's position and said that somebody needs to accept maintenance of these joint systems and said that successful systems grow linearly. He added that it would be more difficult to manage systems located in various pockets. Gagnon said that it is relatively easy to do a joint system as long as it is under single ownership. Gagnon said that a home owners association (HOA) is not a good way to ensure that the systems are maintained. Kruppa commented that an HOA can place a lien can against the home owner's property (as collateral). He added that the preferred method of waste water management is to have a municipality manage it.

There was a discussion about the benefits of having water and sewer districts and cluster developments, such as retaining more open space, increasing investors' profits and enabling taxing to maintain the system. Randall

commented that waste water management and the creation of districts would be a discussion topic at the scoping meeting.

King Ferry

Davis reported on a community store and gas station that was recently built in King Ferry and said that having a community store is important. Davis said that new gas storage tanks were put in to replace the old. Davis suggested that the Board to go to King Ferry and see it for themselves. Davis offered to organize a field-trip.

(7) PLANNING & ZONING REPORT

Randall reported that Danby is now recognized as a Clean Energy Community and is eligible to apply for a \$100K grant. If awarded Randall said that some of the money would be used to upgrade the highway department's facilities.

Randall stated that the solar array is now running at the Highway Department. Randall said that she was working with the Highway Dept. regarding a road classification project and identifying where roads actually start and end. She said that Highway thinks they have been taking care of some southern roads that do not actually belong to Danby because the county lines are not clear, which adds up financially.

Randall relayed the Planning Board's request for a zoning audit specifically of special permitting and proposed amendments to special permits. Randall said she was looking into wind energy conversion system zoning. Gagnon added that there are several areas in Danby with good wind sites but without good access to the grid.

Randall said the Town Board was interested in establishing some stream setbacks based on drainage basins. In addition to setting up a noise ordinance. Randall reported that there has been some concern about the discharge of firearms around Town. Randall raised the importance of codifying our laws.

Randall met with Guy Krogh (Town attorney) and Dave Herrick (Town engineer) about the waste water facility for the Brown Rd. Pocket neighborhood project. She said that Dave needs to get additional information from the investors.

Randall also mentioned that the Town was making good progress on the natural resources inventory and that she received a lot of good input from the work-group and that the CAC secretary is changing to Betsy Keokoski.

(8) ADJOURNMENT

The meeting was adjourned at 9:05 pm.

Kelly Cecala – Recording Secretary