

Town of Danby Planning Board
Minutes of Regular Meeting
December 21, 2017

FINAL

PRESENT:

Edward Bergman
Scott Davis
Joel Gagnon
Jim Rundle
Jody Scriber
Frank Kruppa

ABSENT:

Naomi Strichartz

OTHER ATTENDEES:

Town Board	Leslie Connors
Town Planner	C.J. Randall
Recording Secretary	Kelly Cecala
Public	Ray Van de Bogart, Michael Smith, Matt Ulinski, Ted Crane and Katharine Hunter.

The meeting was opened at 7:03 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

Due to a conflict of interest, Chairman Kruppa asked to recuse himself from the discussion of the subdivision at 808 Comfort Rd. and appointed Gagnon as interim Chairman during this time. Kruppa requested to discuss this action item last since a quorum of four (4) would be needed for the vote. Bergman choose to abstain from all votes this evening. 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, under three minutes, and addressed directly to members of the Board. There were no comments from the public.

(3) APPROVAL OF MINUTES:

MOTION – Approve October 2017 Minutes

Moved by Gagnon, Second by Rundle

In Favor: Davis, Gagnon, Rundle, Kruppa

The motion passed

Abstain: Bergman

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

(4) TOWN BOARD REPORT:

Connors introduced Edward Bergman as the newest member of the Planning Board. Bergman was appointed to the position earlier that week. The Planning Board is now full with seven (7) members. Connors reported that Danby received ~ \$400K to be used towards the Brown Road - Creek Stabilization Project.

(5) ACTION ITEMS:

Project: Minor Subdivision

Location: 100 Van de Bogart Road, Tax Parcel # 20.-1-1.2

Applicant: Ray Van de Bogart for Snow Top Realty Partnership

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

Project Description: The Applicant proposes to subdivide the existing 304.08-acre property into two parcels: Parcel A, measuring 181.5 acres with existing house; and Parcel B, measuring 122.5 acres and undeveloped with intent to remain in agriculture. 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.

Van de Bogart stated that he and his brother were partners on the farm and share the taxes. He said they were looking to sell the southern part of the property to a gentleman from Illinois who already has horses and wants to do a beef operation there.

Van de Bogart mentioned that he would not be available to attend the Public Hearing in January so he wanted to address all the Planning Board's questions and concerns tonight. Rundle had some questions about the map and where/what was being subdivided. Van de Bogart approached the Board and explained the survey map, the surrounding area and proposed subdivision in detail.

The Planning Board reviewed Part 1 of the Short EAF and made these recommended changes:

- (1) Change answer to No (Rundle)
- (8) Increase in Traffic – suggested to change to No (Davis)
- (10) Need to be completed (Rundle)
- (11) Need to be completed (Rundle)

Crane questioned the cattle operation and asked if it would be on the scale of a CAFO or "feed lot." Van de Bogart said that the potential buyer was a novice and that the property was set up for a grass fed pasture operation. Crane also questioned what Snow Top Realty Partnership was and what the "Realty" implied. Van de Bogart said that it had to do with how his family separated the partnership(s) between the cows and farming equipment from the property ownership partnership. He added that they were not Brokers or anything like NY Land Quest.

PLANNING BOARD RESOLUTION NO. 46 OF 2017 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, 100 VAN DE BOGART ROAD, TAX PARCEL #20.-1-1.2

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. 20.-1-1.2, by Ray Van de Bogart for Snow Top Realty Partnership, Owner and Applicant; and

Whereas the Applicant proposes to subdivide the existing 304.08-acre property into two parcels: Parcel A, measuring 181.5 acres with existing house; and Parcel B, measuring 122.5 acres and undeveloped with intent to remain in agriculture; 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. 20.-1-1.2, by Ray Van de Bogart for Snow Top Realty Partnership, Owner and Applicant.

MOTION – Declaration of Lead Agency

Moved by Gagnon, Second by Rundle

The motion passed

In Favor: Davis, Gagnon, Rundle, Scriber, Kruppa

Abstain: Bergman

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; Public

Hearing; Determination of Environmental Significance; Preliminary and Final Approval

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.

At the November 16th meeting a vote was done to Declare Lead Agency at Tax Parcel # 9.-1-13.22 but it did not pass with Kruppa abstaining from the vote. A majority of the voting membership is required to pass a resolution.

Therefore a revote was taken on December 21st for Resolution No. 41 of 2017.

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, Rundle, Scriber

Abstain: Bergman, Kruppa

Acting Chairman Gagnon opened the Public Hearing at 7:24 pm

Mastroberti said that he and his two brother(s) inherited the land when their mother passed away and that they had maintained co-ownership up until now. He said they are to a point where they need to split the land into two (2) where he would maintain ownership of one parcel and his brother the other. Mastroberti provided a full survey map to the Planning Board and reviewed the map in detail with them. Mastroberti said that there was no immediate plan to build on either lot.

The Board reviewed the Short EAF and had no recommended changes.

PLANNING BOARD RESOLUTION NO. 47 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, 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 the Planning Board, being the local agency which has primary responsibility for approving the action, did on November 16, 2017 declare itself the Lead Agency for the environmental review, and

Whereas this Board, acting as Lead Agency in environmental review, did on December 21, 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 “Subdivision Plat Showing a Portion of Lands of David A. Mastroberti & John E. Mastroberti,” prepared by Reagan Land Surveyors, and dated October 16, 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 Rundle, Second by Scriber

The motion passed

In Favor: Davis, Gagnon, Rundle, Scriber

Abstain: Bergman, Kruppa

The Public Hearing closed at 7:29 pm.

PLANNING BOARD RESOLUTION NO. 48 OF 2017 - PRELIMINARY AND FINAL APPROVAL, 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 the Planning Board, being the local agency which has primary responsibility for approving the action, did on November 16, 2017 declare itself the Lead Agency for the environmental review, and

Whereas this Board, acting as Lead Agency in environmental review, did on December 21, 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 “Subdivision Plat Showing a Portion of Lands of David A. Mastroberti & John E. Mastroberti,” prepared by Reagan Land Surveyors, and dated October 16, 2017; and other application materials; and

Whereas the Planning Board did on December 21, 2017 make a Negative Declaration of Environmental Significance for the project, 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 Public Hearing on December 21, 2017; 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. 9.-1-13.22, by David Mastroberti, 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.

MOTION – Preliminary and Final Approval

Moved by Rundle, Second by Davis

In Favor: Davis, Gagnon, Rundle, Scriber

The motion passed

Abstain: Bergman, Kruppa

(6) PLANNING & ZONING REPORT

Randall stated that the Town is starting to move ahead with the projects that were discussed at the joint scoping meeting; one of the first being the Housing Needs Assessment. Randall reported that Katie Borgella is the newly appointed County's Commissioner of Planning and Sustainability. Randall said that Borgella is largely focused on direct technical assistance to municipalities, which is great for Danby.

Randall said that the Town has meet with County Housing Planners to help scope out the project and has a list of properties that are deemed in "poor" condition with the help of County GIS. Randall stated that some members of the community believe that this list can be somewhat biased in the way that the County may deem a property to be of a certain condition yet the Town may not agree with it. Randall said that the list is just a good place to start and not meant to be part of a punitive process.

Randall said that the immediate goal is to increase the percentage of voluntary compliance with code enforcement. Randall reported that Dryden was moving forward with a similar project and that they were recently awarded money from the Community Development Block Grant-CDBG.

Randall stated that some projects are easier to scope (i.e. Wind Energy Conversions Systems (February) and the Audit of Zoning and Special Permits) because the measurables and deliverables are easier to define; whereas the Housing Needs Assessment is more nebulous. Randall mentioned that Town Board Member Rebecca Brenner, may be staying on as Deputy Town Supervisor. Randall said that Brenner serves on the County EMS Task Force and said that there may be an over-lap of those people on the Housing Needs list and those that need continuing EMS assistance.

Randall reported on the proudest achievement of 2017 which was the \$435K that was awarded from the NYSDEC to help stabilize the stream bank that is adjacent to Brown Rd., where erosion has lead to much sediment being transported into Cayuga Inlet. Randall said that the County was very generous in helping with the initial engineering studies and that the Highway Department has been very proactive in talking with adjacent landowners. Gagnon asked what the Highway's annual budget was - Randall said \$500K., underscoring the magnitude of the grant in proportion.

Randall said the Town applied for an extension to submit the application for the \$100K Clean Energy Community grant; the deadline is February 5th 2018.

(7) ADJOURNMENT

The meeting was adjourned at 7:50 pm.

Kelly Cecala – Recording Secretary