

Town of Danby Planning Board
Minutes of Regular Meeting
January 18, 2018

DRAFT

PRESENT:

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

OTHER ATTENDEES:

Town Board	Leslie Connors
Town Planner	C.J. Randall
Recording Secretary	Kelly Cecala
Public	Brian Jackson, Brian Horvath, and Ted Crane

The meeting was opened at 7:03 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

Rundle noted the approval of the November 2017 minutes was missing from the agenda. Rundle also requested to discuss wind power. Connors mentioned that wind power was on the town agenda for 2018. Gagnon requested to add a discussion point on how to address the sprawl concerns in Danby. There were no other changes and/or deletions made to the agenda.

(2) PRIVILEGE OF THE FLOOR:

There were no comments made during privilege of the floor.

(3) APPROVAL OF MINUTES:

MOTION – Approve November 2017 Minutes

Moved by Gagnon, Second by Scriber

In Favor: Davis, Gagnon, Scriber, Kruppa

The motion passed

Abstain: Bergman, Rundle, Strichartz

MOTION – Approve December 2017 Minutes

Moved by Gagnon, Second by Rundle

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

The motion passed

Abstain: Strichartz

(4) ACTION ITEMS:

A: 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: Public Hearing; Determination of Environmental Significance; Preliminary and Final Approval.

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 Actions and an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

Chairman Kruppa opened the Public Hearing at 7:08 pm.

Brian Jackson was in attendance on behalf of Ray Van de Bogart. Jackson said that Mr. Van de Bogart was not ready to sell the entire farm at this time but wanted to split off a part of the farm in the interest of raising beef cattle.

PLANNING BOARD RESOLUTION NO. 1 OF 2018 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, 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 the Planning Board, being the local agency which has primary responsibility for approving the action, did on December 21, 2017 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on January 18, 2018 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 122.5 Acres Lot to be Conveyed by

Snow Top Farm Realty Partnership,” prepared by T.G. Miller, P.C., and dated 10/27/2017; 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 Strichartz

The motion passed

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

The Public Hearing closed at 7:12 pm.

PLANNING BOARD RESOLUTION NO. 2 OF 2018 - PRELIMINARY AND FINAL APPROVAL, 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 the Planning Board, being the local agency which has primary responsibility for approving the action, did on December 21, 2017 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on January 18, 2018 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 122.5 Acres Lot to be Conveyed by Snow Top Farm Realty Partnership,” prepared by T.G. Miller, P.C., and dated 10/27/2017; and other application materials; and

Whereas the Planning Board did on January 18, 2018 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 required Public Hearing on January 18, 2018; 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. 20.-1-1.2, by Ray Van de Bogart for Snow Top Realty Partnership, 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 Gagnon, Second by Rundle

The motion passed

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

B: Project: Special Permit – Home Commissary

Location: 69 Layen Road, Tax Parcel # 8.-1-1.7

Applicant: Brian Horvath

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

Project Description: The Applicant proposes the creation of a Home Commissary, a non-retail food processing establishment. A Food Service Establishment (FSE) Operating Permit is also required from the Tompkins County Department of Health. 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.

Mr. Horvath addressed the Planning Board and discussed his intentions to convert the vacant home into a commercial kitchen with a 3-bay wash sink for food preparation and a walk-in cooler. Horvath stated that he lost his lease at the On The Street Pita and that he wanted to continue his concession business at the Farmer's Market and needs a place to be able to cut vegetables, make sauces, and do dishes. He said there would be no heat cooking. Horvath said that he anticipates having one (1) delivery per week. Horvath said that he would have one or two employees. Davis asked where the prep was being done now. Horvath said at the current On The Street Pita location.

Gagnon stated that Horvath does not live on the property and which is why it is not viewed as a home occupation. Horvath said that the Health Department will also not allow someone to do cooking and food preparation in the same place they live. Kruppa added that Mobile food sales and preparation require an approved commissary by the Health Department. Rundle mentioned that there are a lot of cars on the property now. Horvath said that he has owned the property for 15 years and that the cars there now would be moved out soon. Davis questioned whether a commissary kitchen use would be classified under special permits or if it was more of a use variance. Randall said the current Zoning Ordinance did not list this specific use and made two suggestions on how the applicant could apply and how it would be filed:

- (1) **Section 901** - Cottage Industry "A property or buildings where the primary use is art-or craft oriented design, production or assembly, such as leather working wood working, metal working, ceramics production, tailoring, and similar activities, employing not more than 5 persons, and where the total building floor area of all buildings dedicated to the cottage industry is not larger than 3,000 square feet. Specifically excluded from the definition of Cottage Industry is the repair or assembly of vehicles or equipment with internal combustion engines, such as automobiles, motorcycles, snowmobiles, marine engines, lawn mowers, chain saws, and other small engines."

- (2) **Section 600.3.N** “Other uses not specifically listed above but deemed by the Planning Board to be similar in nature and compatible with the purposes of the zone.”

Gagnon said that historically businesses in Danby have started out as home occupations until they became “noticeable” or out grew the space, at which time a special permit would need to be applied for. Randall clarified Danby’s definition of Home Occupation as “An accessory use which is located on a lot whose primary use is residential.” Randall asked for the Planning Board’s input as to whether this was improperly classified,

Horvath commented that we was hoping this would be a temporary situation; his lease ends in April 2018 and that running his business from out of this location is not convenient at all. He said that this is a seasonal business running from April to October and that he hopes to find another brick-n-mortar soon.

Crane questioned if a permit was even necessary and alluded to Randall comments on trying to best classify this use within our Zoning. Crane also asked, if it was issued would it be forever, or have an expiration? Crane wanted to know if Horvath had checked into other locations and referred to the Oasis as having a prep kitchen. Randall said that special permits run with the land and that a time limit can be applied to the permit (not the person) with annual renewals as an option. She also said that the permit at the Oasis had expired. Randall said that if the applicant takes no action (within a year) or if the use ceases (for more than six months) then the permit will automatically terminate.

Kruppa requested that Randall widen the public reach for the Public Hearing notification to 1,000 feet from the property versus the usual 500 feet. Crane said that there is a day care center on Jersey Hill Rd., and that they should be included in the notice. Horvath said that it was not his intention to disturb the neighbors or to create more traffic.

Kruppa commented that the usual guidelines that a commercial kitchen would require would need to be followed. Strichartz said that water yield would be useful to know. Horvath said the yield is low and that he has water delivered to the property and would continue to do so.

There was a continued discussion regarding zoning definitions and whether or not this would qualify as a home occupation and/or accessory use to a “residence” (even though it is not currently used as a residence) and permitted accessory uses by right.

Davis commented that in regards to “uses that are similar to” he did not see any strict assertion saying that it had to be attached to a residence. Gagnon said that it was “similar” in nature enough to a home occupation, even though it was not. Rundle raised concerns about setting a precedent. Randall said that Planning Board’s decisions are by individual cases and do not carry precedent. Randall remarked that if the Planning Board was unsure, that it could be sent to the BZA for a use variance.

Kruppa requested a more in-depth summary in writing of what was being proposed (i.e. truck trips, business hours, # of employees, scale of business, impact(s) to the neighborhood, etc.) to be used as a point of comparison upon renewals. Kruppa said having these standards in writing at the beginning would make the process easier to follow for all involved in the future. Kruppa requested that this information be sent to Randall prior to the Public Hearing.

PLANNING BOARD RESOLUTION NO. 3 OF 2018 - DECLARATION OF LEAD AGENCY, SPECIAL PERMIT FOR HOME COMMISSARY, 69 LAYEN ROAD, TAX PARCEL #8.-1-1.7

Whereas an application has been submitted for review and approval by the Town of Danby Planning Board for a Special Permit for a Home Commissary at Town of Danby Tax Parcel No. 8.-1-1.7, by Brian Horvath, Owner and Applicant; and

Whereas the Applicant proposes the creation of a Home Commissary, a non-retail food-processing establishment; and

Whereas this proposal action is reviewed under Article IX: Special Permits, of the Zoning Ordinance of the Town of

Danby; and

Whereas 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) requires that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental 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;

Whereas the Planning Board is the local agency with primary responsibility for approving 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 Special Permit approval for Town of Danby Tax Parcel No. 8.-1-1.7, by Brian Horvath, Owner and Applicant, Owner and Applicant.

MOTION – Declaration of Lead Agency

Moved by Gagnon, Second by Rundle

The motion passed

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

The Planning Board reviewed the Short EAF and had the following recommended changes:

- Q. 1 Recommended changing to No
- Q. 2 Add Tompkins County Health Department
- Q. 16 Recommended changing to No

(5) PLANNING & ZONING REPORT

Randall reported on the \$100K grant from the Clean Energy Communities and said that the Highway Dept. is getting quotes for quick-close doors, upgrading the heating system and a waste water recycling unit to complete the application which is due on February 5, 2018.

Randall said that Danby is part of the Cayuga Lake Inter-Municipal Organization and working with Engage Cornell and other organizations to put on a water shed summit in the spring which would include the municipalities around the lake. The goal is to engage them to do more projects, make them aware of assistance and funding that is available to help them deal with HAB(s) and other environmental concerns.

Randall spoke about an LED street light replacement project to purchase high efficiency LED light fixtures in Danby and said that the Public Work Dept. at the City of Ithaca is shouldering the bulk of the cost. Randall said that Danby has 23 street lights. Randall said that Bill Evans (CAC) did some significant work at the County EMC on how the different color spectrums effect wildlife and that Danby will be mindful of this when selecting upgraded lighting.

Randall distributed her 2018 work plan which is an overview of what she intends to work on this year. In addition she distributed a prepared draft of the zoning audit scope of work and reviewed it in detail with the Planning Board. Randall said an article will eventually be published for the public and that a public meeting will be held towards the end of the process to educate them and to discuss the findings and desired outcome. Scriber raised concerns about how to get the word out to the public and what the best method was in doing so. Rundle asked to add a new junk car law!

There was continued discussion about the special permit for Mr. Horvath. Kruppa said that if the applicant can meet all the Health Department's rules (regarding food safety) then it will be approved but that the Health Department doesn't

consider the neighborhood. Randall said a full SEQR should be done. Randall restated that the special permit which was approved for the Oasis in May 2015 has expired. Randall said that it is not in use and believes that it is up for sale.

Lastly Randall said that she would now be staffing the BZA hearings and that the Town increased her hours to 30 per week.

(6) TOWN REPORT

Connors reported the Joel Gagnon was reappointed to the Planning Board for another seven (7) year term. Connors said that the Town Board is looking at revising the appointment procedure. Connors also said she would like to take a survey of all the current Board members and would be emailing them this question: *“What are the skills you have found most important in serving on this Board?”*

Moving forward Randall will be managing the communication between the Planning Board and the Town Board directly.

(7) ZONING & SPRAWL DISCUSSION

As Randall prepares for the zoning revision, Gagnon wanted to identify key points that the Town has had trouble with in the past. One being, how to discourage development where we do not want it (i.e. open areas) and how to encourage development in high-density areas where we do want it - i.e. the Hamlet.

Gagnon said that the topic of protecting rural character was discussed amongst the Comprehensive Plan Task Force. He said there was mixed reviews on whether or not houses should be built with more or less road frontage to better maintain rural integrity and have less impact on wildlife. Once suggestion was to reduce the density overall by spreading the houses out more. Gagnon noted that road frontage is a valuable asset to a property. Gagnon said that burns and plantings can be added as natural privacy screens.

Gagnon spoke about the creation of cluster (shared) septic and water systems and said that the Town could manage these to help facilitate and ensure that they are properly maintained. Gagnon commented that Field Stone Circle is consider a cluster in our zoning, absent community sewer and water. Gagnon gave the example of a person who owns a 100 acre lot and spoke about the advantages if given the ability to build cluster developments on 0.25 acre lots so they develop less of the road frontage.

Gagnon spoke about the benefits of being able to accommodate more people if it were done on smaller lots instead of sprawling. He spoke about the ability to create affordable housing (through zoning) and that people would be able to get more equity out of their land. He said that large lot subdivisions eat up a lot of land quickly and they tend to develop large and expensive houses. Davis asked Randall how these suggestions can be implement into action items in the zoning. He said his fear is that it will get lost in dialogue and good intentions.

Randall said the natural resources inventory will help prompt change and that we need to first ask ourselves what we want. She said that Danby is 53 sq. miles with a very diverse landscape from one end of town to the other and that a binary approach is not needed. Randall said there are many different methods in dealing with rural zoning. Currently Danby's zoning is very rudimentary and that it will take time to make changes but there are many ways to get there.

Randall commented that if the audit is done correctly and methodically, by utilizing the Board Member and public input, then we are in a very optimal position to start make changes. Randall commented that we are in a better position than some communities (i.e. Lansing) but that the development pressure will eventually come. Now is the time to make changes.

Kruppa commented that the Town Board has a very big influence on what changes are made and said that the Planning Board needs some input on what the Town Board wants from this Board. Kruppa said that he feels very hopeful that good changes will start to happen under the guidance of Randall.

Davis made the suggestion of conducting a survey of the community to see who would support development in the Hamlet and Cluster Housing. Randall shared some ideas on how to conduct a useful survey and commented on reaching out to groups like AARP and hiring outside agencies to assist.

(8) ADJOURNMENT

The meeting was adjourned at 8:55 pm.

Kelly Cecala – Recording Secretary