

Town of Danby Planning Board
Minutes of Regular Meeting
February 15, 2018

DRAFT

PRESENT:

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

ABSENT:

Jim Rundle

OTHER ATTENDEES:

Town Board
Town Planner
Recording Secretary

Public

Owners of Discussed Property

Leslie Connors
C.J. Randall
Elizabeth Keokosky (standing in for
Kelly Cecala)
Ted Crane, Katharine Hunter,
Lorraine Bard
Brian Horvath,
Joseph Petricola, Robert Bartholf
Erick Frank

The meeting was opened at 7:02 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

There were no changes and/or deletions made to the agenda.

(2) PRIVILEGE OF THE FLOOR:

Leslie Connors informed the board that Robert Friedman would be at the April 5th Executive Session of the Town Board meeting at 6:30.

(3) APPROVAL OF MINUTES:

MOTION – Approve January 2018 Minutes

Moved by Gagnon, Second by Bergman The motion passed

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

(4) ACTION ITEMS

A – Action item

Project: Special Permit – Home Commissary

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

Applicant: Brian Horvath

Anticipated Board action(s) this month: Public Hearing

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.

Chairman Kruppa opened the public hearing at 7:05

Denise Horvath was in attendance on behalf of her husband, Brian Horvath.

Minor mailing error noted: Wrong date on letter sent to 11 people within a 1000 ft of location. Public posting has right date. Public hearing left open till next Planning Board meeting next month.

Public comments:

Ted Crane commented that Health Dept does not allow commissary and home in same structure creating a conundrum since special permit was being presented as a Home Commissary.

Lorraine Bard (neighbor) asked what the facility was doing with compost? Denise Horvath said she would give the compost to neighbors for their chickens (i.e. Lorraine)

Kruppa asked if board had additional questions:

Scriber asked about cars on property and Denise responded that most are now gone and all will be gone by a week after this meeting.

In response to Mr. Crane's comment, Kruppa opened up revisiting Home Commissary usage on special permit component of zoning. Bergman asked are we honoring the letter of the law – how else could this be permitted? After discussion it was decided not to call it a home commissary, just a commissary – which still allows special permit. Randall noted that a wide amount of digression is given board.

Bergman asked if there was external evidence requiring special permitting such as use of a sign. Randall gave rules and regulations for special permitting and it was agreed it was OK

Strichartz concerned about water use if water not delivered – area has a low water table and can have water shortages and she asked about water information. Kruppa said take back to Brian that board needs clarity on water usage. Denise responded that they would provide water info on well. Gagnon asked to include how much water use was anticipated, how much was delivered. Denise said they would have to estimate since water usage was based on included home use before but it should take less than before.

Davis suggested amendment to just say commissary. Kruppa concluded take out “home” from home commissary designation and refer to it as commissary. OK in both letter and short form. Application says home commissary

Permit has to be renewed each year. Stipulation for renewal is that it falls within current parameters being set. This has been put on the record

Short form issues? - no

Scriber – where does it say that he has to work with health department approval to also get their approval? – Kruppa said permit expires if you can't get this.

Lorraine – can it go back to being residential housing. Kruppa – yes

Stipulation for approval is to provide water information.

Leaving discussion at 7:24 but public hearing remains open – take up next month.

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.

B – Action Item

Project: Rezoning and Minor Subdivision

Location: 129 Hornbrook Road, Tax Parcel # 10.-1-82.2

Applicant: Robert Bartholf for Petricola-Bartholf Partnership

Anticipated Board action(s) this month: Official recommendation to Town Board in accordance with Town of Danby Zoning Ordinance Section 800(3)

Project Description: The Applicant proposes to rezone 2.237 acres of the 108.89- acre parcel to zone Commercial “C.” The Applicant proposes to subdivide the existing 108.89-acre property into two parcels: Parcel A, measuring 2.237 acres with existing 8,800 sq. ft. warehouse; and Parcel B, measuring 106.653 acres and formerly operated as vehicle dismantler Autosalvage of Ithaca, Inc. The property is currently zoned Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet. A portion of the property is also located in the Aquifer High Vulnerability (AHV) Overlay Zone. 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 and is subject to environmental review.

Applicants Bartholf and Petricola were present. Purpose of discussion is to make recommendation to town board.

Randall commented warehouse buildings on property were dormant for some time; applicants want to rezone existing properties to allow for subdivision and a commercially zoned area.

Gagnon: Proposing commercial C gives maximum flexibility of use?

Randall: Outside of constraints of aquafir - warehouse permitted in that zone but not anywhere else.

Bartholf: Autosalvage of Ithaca has been there since 1960. Now we are only keeping buildings commercial. The rest (where cars are now parked) stays residential.

*Gagnon stated recurring problem: Subdivision needs to show parent parcel
Kruppa: house is on smaller portion – property line moving over to create a commercial area?*

Randall: Making recommendation to town board on special rezoning and minor subdivision from two properties is two actions. Just need a draft for feed back for next month public hearing. Not making a recommendation tonight. Who should be lead agency? Then, as appropriate, schedule public hearing; just pass resolution approving modifications to go to town board.

*3rd Thursday in April coming back to planning committee for final approval
Group agreed Town board lead agency – have to do environmental study*

Look at long form for comments – Gagnon minor changes; Kruppa – are they substantial?

- 1) page 3 of 13 – not state police but county sheriff*
- 2) D1 – c expansion of existing project – change YES to NO*
- 3) D1 – e No - do not need*
- 4) Page 7 of 13 j – substantial increase? - town board check*
- 5) page 9 of 13 - E1 should include residential table; E1 b acreage should add up*
- 6) page 10 of 13 – g was auto salvage disposal made correctly? Town board check*
- 7) page 11 e – wet land (CJ – doesn't apply since wetland more than 250 ft away)*
- 8) page 12 species questions*

Ted Crane asked how outdoor lighting would be used.

Chair Zruppa summarized discussion: planning board recommends that town should be lead agency and modifications made on long form as suggested. Public hearing at next meeting of planning board to consider official recommendation for zoning change to town board. Subdivision would require a subsequent public hearing.

**PLANNINGBOARDRESOLUTIONNO. XOF2018 -
RECOMMENDATIONTOTOWNBOARD, REZONINGANDMINOR
SUBDIVISION, 129 HORN BROOK ROAD, TAX PARCEL NO. 10.-1-82.2**

Whereas an Application has submitted for proposed rezoning of 2.237 acres of the total 108.89-acre tax parcel 10.-1-82.2 to zone Commercial “C,” located at 129 Hornbrook Road, from the current zoning as Low Density Residential, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant; and

Whereas this is a rezoning action under Section 800 of the Zoning Ordinance of the Town of Danby, for which the completed application was received January 17, 2018; and

Whereas an Application has been submitted for concurrent review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 10.-1-82.2, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant; and

Whereas the Applicant proposes to subdivide the existing 108.89-acre property into two parcels: Parcel A, measuring 2.237 acres with existing 8,800 sq. ft. warehouse; and Parcel B, measuring 106.653 acres and formerly operated as vehicle dismantler Autosalvage of Ithaca, Inc.; and

Whereas the Applicant is proposing adaptive reuse of the existing 8,800 sq. ft. warehouse and no new construction is required to facilitate private capital investment required to renovate and reuse the existing building within this area, which is in proximity to the Central Hamlet; and

Whereas pursuant to the provisions of the Zoning Ordinance of the Town of Danby, the Planning Board is required to hold, and did hold, within 62 days of the filing of the completed application with the Planning Board, a Public Hearing on March 15, 2018, which was heard by the Planning Board to assure full opportunity for citizen participation; and

Whereas pursuant to the provisions of Section 800 of the Zoning Ordinance of the Town of Danby, the Planning Board is required to recommend, by resolution;

Now Therefore, be it

Resolved that the Planning Board of the Town of Danby hereby recommends the draft rezoning proposal of 2.237 acres of the total 108.89-acre tax parcel 10.-1-82.2 to zone Commercial “C.”

C- Action Item

Project: Henion Family Trust Major Subdivision

Location: 84 Layen Road, Tax Parcel # 8.-1-1.3

Applicant: James G. Henion for The Henion Family Trust

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

Project Description: The Applicant proposes to subdivide the existing 304.08-acre property into four parcels: Parcel 1, measuring 31.19 acres with existing Private Airplane Landing Field, approved by Special Permit on June 13, 1983; Parcel 2, measuring 3.04 acres with existing house; Parcel 3, measuring 4.39 acres and vacant; and Parcel 4, measuring 26.69 acres and vacant. 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 a Type I 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.

James Henion attending. He explained that 66 acres were from the original homestead that they had lived on for 44 years. His wife had passed away and he was downsizing. Selling 31 acres to Jane and Kim Donicks and still mowing it. Keeping possible parcels for his daughter and son, with access to the woods. Road added to property not paved but maintained by town.

MOTION – Declare Planning Board lead agency

Moved by Gagnon, Second by Scriber

The motion passed

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

Davis suggested page 4 of 13 in long form be changed from YES to NO as part of above resolution

PLANNING BOARD RESOLUTION NO. X OF 2018 - DECLARATION OF LEAD AGENCY, STANDARD SUBDIVISION, 84 LAYEN ROAD, TAX PARCEL NO. 8.-1-1.3

Whereas an application has been submitted for review and approval by the Town of Danby Planning Board for a Standard Subdivision of Town of Danby Tax Parcel No. 8.-1-1.3 for The Henion Family Trust, Owner, James G. Henion, Applicant; and

Whereas the Applicant proposes to subdivide the existing 304.08-acre property into four parcels: Parcel 1, measuring 31.19 acres with existing Private Airplane Landing Field, approved by Special Permit by the Town Board of the Town of

Danby on June 13, 1983; Parcel 2, measuring 3.04 acres with existing house; Parcel 3, measuring 4.39 acres and vacant; and Parcel 4, measuring 26.69 acres and vacant; 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 Standard Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II

D- Action Item

Project: Frank Minor Subdivision

Location: 14 Makarainen Rd, Tax Parcel # 4.-1-29.2

Applicant: Erik P. Frank

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

Project Description: The Applicant proposes to subdivide the existing 8.47-acre property into two parcels: Parcel A, measuring 3.00 acres and vacant and Parcel B, measuring 5.73 acres with existing house. 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.

Erick Frank attending. Purpose to determine lead agency.

MOTION – Declare Planning Board lead agency

Moved by Strichartz, Second by Bergman

The motion passed

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

Public hearing will be at next meeting. Kruppa advised Frank to talk to his neighbors (within 500 ft) about public hearing. Best if they hear it from you

PLANNING BOARD RESOLUTION NO. X OF 2018 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, 14 MAKARAINEN ROAD, TAXPARCEL #4.-1-29.2

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. 4.-1-29.2, by Erik P. Frank, Owner and Applicant; and Whereas the Applicant proposes to subdivide the existing 8.47-acre property into two parcels: Parcel A, measuring 3.00 acres and vacant and Parcel B, measuring 5.73 acres with existing house; 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. 4.-1-29.2, by Erik P. Frank, Owner and Applicant.

(5) Planning & Zoning Report

C.J. gave an overview of the January Code Office report, which included among other things:

- attending Parks and Trails meeting where they announced purchase of two properties in southern part of Danby.
- Finger Lakes trail is supporting Trailtowns along trail to promote them and tourism.
- Brown Rd Creek bank stabilization needs paper work from NY State.
- Community grants are being sought for highway department building to insulate doors, do water recycling, pump out water, and/or for heat pumps.
- Danby part of Cayuga Lake Municipal Water Resources Council Institute – working with students to show them how things move out of planning into real world.
- Mike Thorn has done flood study where sediment is filling up Cayuga Inlet – Brown Rd Creek bank work is on the forefront of this
- Governor is giving 60 million to Finger Lakes
- Working with Paul on dilapidated housing and with Office of the Aging

Questions:

Gagnon and Kruppa: concerns with communication with town board – make it more

formal than just a town board member present using POF. Town board needs to send a liaison for reporting and two-way communication.

(6) ADJOURNMENT

The meeting was adjourned at 8:20 pm.

Elizabeth Keokosky – Recording Secretary (standing in for Kelly Cecala)