

Town of Danby Planning Board  
Minutes of Regular Meeting  
June 21, 2018

**PRESENT:**

Ed Bergman  
Scott Davis  
Joel Gagnon  
Jim Rundle  
Jodi Scriber  
Naomi Strichartz  
Frank Kruppa (Chair)

**OTHER ATTENDEES:**

Town Board	Leslie Connors
Town Planner	C.J. Randall
Recording Secretary	Alyssa de Villiers
Public	Mike Amodie, Robert Bartholf, Debi Friends, Chris Gartlein, Ginny Gartlein, Greg Nelson, Joseph Petricola

*The meeting was opened at 7:00pm.*

**(1) CALL TO ORDER/AGENDA REVIEW**

No changes were made to the agenda.

**(2) PRIVILEGE OF THE FLOOR**

No comments were made during privilege of the floor.

**(3) APPROVAL OF MINUTES**

**MOTION:** Approve May minutes

Moved by Gagnon, seconded by Scriber

**The motion passed.**

In favor: Bergman, Davis, Gagnon, Scriber, Kruppa

Abstaining: Strichartz

Absent: Rundle

#### **(4) TOWN BOARD LIASON REPORT**

Leslie Connors mentioned that the Town Board is revisiting the question of whether the position of Highway Superintendant should be appointed rather than elected. The issue has come up twice in the past; it has been voted down once, and once it was not put forward for a vote. There will be a public hearing coming up, probably next month, regarding this issue. She also gave a special thanks to Frank Kruppa for his service as Chair of the Planning Board.

Randall added that the Town Board approved the rezoning on the first action item, located at 129 Hornbrook Rd.

#### **(5) ACTION ITEMS**

**Project:** Rezoning, Minor Subdivision, and Special Permit for Warehouse

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

**Applicant:** Robert Bartholf for Petricola-Bartholf Partnership

**Anticipated Board action(s) this month:** Public Hearing; Preliminary and Final Approval of Minor Subdivision and Special Permit

**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. The Applicant is also requesting a Special Permit to utilize the existing 8,800 sq. ft. building as a Warehouse. 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.

*The public hearing was opened at 7:04pm.*

No comments were made during the public hearing.

*The public hearing was closed at 7:06pm.*

Davis asked why, once rezoned, the project would need a special permit for a warehouse as it is now Commercial "C;" Randall clarified that a warehouse is still only allowed by special permit in Commercial "C."

**MOTION:** Preliminary and Final Approval of Minor Subdivision and Special Permit

Moved by Gagnon, seconded by Bergman

**The motion passed.**

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

PLANNING BOARD RESOLUTION NO. 16 OF 2018 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION AND SPECIAL PERMIT FOR WAREHOUSE, 129 HORN BROOK ROAD, TAX PARCEL NO. 10.-1-82.2

Whereas an Application was 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 was an action under § 800 of the Zoning Ordinance of the Town of Danby, Applications for Rezoning; and

Whereas the Applicant proposed adaptive reuse of the existing 8,800 sq. ft. warehouse where no new construction was 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 a portion of the property is located in the Aquifer High Vulnerability (AHV) Overlay Zone; and Whereas the following uses and activities are expressly prohibited in the Aquifer High Vulnerability (AHV) Overlay

Zone as articulated in § 606 (3) of the Zoning Ordinance of the Town of Danby: Airport and/or airport maintenance areas, including private airplane landing fields; Appliance or small engine repair shops; Boat service, repair, and/or washing establishments; Drilling, development, and/or construction of sources of water for bottled water or bulk water facilities except for the collection of spring water without the use or assistance of an external force; Car washes; Cemeteries or crematoriums; Chemical and/or biological testing laboratories; Horticultural nurseries; Excavation of overburden and/or minerals from the earth for sale or exchange, or for commercial, industrial, or municipal use (except for the sale of incidental overburden and/or minerals from excavation related to construction as part of an agricultural or residential use); Funeral homes and mortuaries; Furniture strippers and/or refinishers; Gasoline service stations or service and repair garages; Generation and/or storage of hazardous wastes except for that associated with residential or agricultural uses; Golf courses; Industrial establishments.; Junkyard, salvage, or impoundment yards (including used motor vehicle parts and scrap/waste materials); Laundromats and dry cleaning facilities; Municipal or industrial sewage treatment facilities with disposal of primary or secondary treatment effluent; Personal service shops such as a barber shop, beauty parlor, or hairdresser; Pest control services or pesticide/herbicide stores; Pet cemeteries or crematoriums; Printers; Storage of petroleum except for on-site petroleum consumption; Installation of new or replacement underground storage facilities for petroleum or hazardous substances; Veterinary clinics, hospitals or animal kennels; and

Whereas A Local Law to Amend Commercial C Zoning in the Town of Danby Zoning Ordinance, Article IV: entitled 'Establishment of Zones,' § 401 approved by the Town Board on June 18, 2018 changed the zoning designation of a 2.237-acre portion of the parcel as depicted in a survey map entitled "A Portion of Lands of Petricola-Bartholf Partnership," prepared by T.G. Miller, P.C., dated 11/15/2017 as shown on the official map from Low Density Residential to Commercial "C"; and

Whereas pursuant to § 800 (3) 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 § 800 (3) of the Zoning Ordinance of the Town of Danby, an official recommendation to recommend the rezoning was passed by resolution of the Planning Board on March 15, 2018; 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 State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and Whereas the proposed project 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

Whereas the Town Board, acting as Lead Agency in environmental review, did on May 14, 2018 review and accept as adequate: a Full Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled “A Portion of Lands of Petricola-Bartholf Partnership,” prepared by prepared by T.G. Miller, P.C., and dated 11/15/2017; and other application materials; and

Whereas the Town Board, having declared itself Lead Agency in this matter, determined on May 14, 2018 that the proposed Rezoning, Minor Subdivision, and Special Permit would 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; and

Whereas an Application was 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 additionally requesting a Special Permit to utilize the existing 8,800 sq. ft. building as a Warehouse; and

Whereas legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Zoning Ordinance, Article IX, § 904(2) and a Public Hearing was held on June 21, 2018, 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 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 June 21, 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 Commercial “C” Zoning District; and Whereas the Tompkins County Department of Planning and Sustainability has been given opportunity to comment;

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. 10.-1-82.2, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, 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; and be it further

Resolved that the Town of Danby Planning Board hereby grants the Special Permit for the Warehouse to be valid for a period of two (2) years from the date of this resolution, finding that the standards of Article IX: Special Permits § 901 and § 600(4)(ix), of the Zoning Ordinance of the Town of Danby have been met, subject to the following conditions:

- i. The Applicant must apply for a renewal of the Special Permit not later than 90 days before the expiration of this special permit.
- ii. That upon application for renewal of the Special Permit the property will be subject to an inspection by the Town of Danby Code Enforcement Officer.
- iii. The Special Permit is granted only for reuse of the existing 8,800 sq. ft. building on the newly subdivided 2.237-acre portion of Tax Parcel 10.-1-82.2.

**Project:** Oltz Minor Subdivision

**Location:** Comfort Rd, Tax Parcel # 8.-1-31.22

**Applicant:** Susan Oltz and Michelle Phalin, Owners

**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 44.80-acre property into two parcels: Parcel A, measuring 22.071 acres and vacant and Parcel B, measuring 22.068 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 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 was opened at 7:08pm.*

There were no comments from the public during the public hearing.

Gagnon noted that in both the associated resolutions the second “whereas” clause should not read, “The Applicants proposes.”

**MOTION:** Negative Declaration of Environmental Significance

Moved by Gagnon, seconded by Strichartz

**The motion passed.**

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

PLANNING BOARD RESOLUTION NO. 17 OF 2018 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, COMFORT ROAD, TAX PARCEL NO. 8.-1-31.22

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. 8.-1-31.22, by Susan Oltz and Michelle Phalin, Owners and Applicants; and

Whereas the Applicants proposed to subdivide the existing 44.80-acre property into two parcels: Parcel A, measuring 22.071 acres, with 294.56 feet of frontage on Comfort Road, 2114.63 feet of depth, and vacant; and Parcel B, measuring approximately 22.068 acres with 306.04 feet of frontage on Comfort Road, 2184.08 feet of depth, and farmed; 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 May 17, 2018 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on June 21, 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 subdivision plat entitled “Subdivision Plat for Susan Elizabeth Oltz and Michelle Phalin Located on Comfort Road, Town of Danby,” prepared by Williams & Edsall Land Surveyors, P.C., and dated 3/5/2018; 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.

*The public hearing was closed at 7:10pm.*

**MOTION:** Preliminary and Final Approval

Moved by Gagnon, seconded by Davis

**The motion passed.**

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

PLANNING BOARD RESOLUTION NO. 18 OF 2018 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, 552 COMFORT ROAD, TAX PARCEL NO. 8.-1-31.22

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. 8.-1-31.22, by Susan Oltz and Michelle Phalin, Owners and Applicants; and

Whereas the Applicants proposed to subdivide the existing 44.80-acre property into two parcels: Parcel A, measuring 22.071 acres, with 294.56 feet of frontage on Comfort Road, 2114.63 feet of depth, and vacant; and Parcel B, measuring approximately 22.068 acres with 306.04 feet of frontage on Comfort Road, 2184.08 feet of depth, and farmed; 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 May 17, 2018 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on June 21, 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 subdivision plat entitled “Subdivision Plat for Susan Elizabeth Oltz and Michelle Phalin Located on Comfort Road, Town of Danby,” prepared by Williams & Edsall Land Surveyors, P.C., and dated 3/5/2018; and other application materials;

Whereas the Planning Board did on June 21, 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 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. 8.-1-31.22, by Susan Oltz and Michelle Phalin, 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.

**Project:** Amodie Minor Subdivision

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

**Applicant:** Michael Amodie for Deborah A. Friends, Owner

**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 109.77-acre property into two parcels: Parcel A, measuring 4.042 acres and undeveloped, to remain undeveloped on Curtis Road; and Parcel B, measuring 105.77 acres and undeveloped. On March 27, 2018, the Town of Danby Board of Zoning Appeals granted an Area Variance from the Zoning Ordinance Section 600(4)(a) requirement that road frontage be located on a public road maintained year-round with the stipulation that no permanent structures be constructed on Parcel A. 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 was opened at 7:12pm.*

There were no comments from the public during the public hearing.

Gagnon pointed out that, with regard to the associated resolutions, the Short Environmental Assessment Form was reviewed by the Planning Board on May 17, 2018, and so that date should be added.

**MOTION:** Negative Declaration of Environmental Significance

Moved by Strichartz, seconded by Bergman

**The motion passed.**

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

PLANNING BOARD RESOLUTION NO. 19 OF 2018 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, CURTIS ROAD, TAX PARCEL #23.-1-10.2

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. 23.-1-10.2, by Michael Amodie, Applicant, for Deborah A. Friends, Owner; and

Whereas the Applicant proposes to subdivide the existing 109.77-acre property into two parcels: Parcel A, measuring 4.042 acres and undeveloped, to remain undeveloped on Curtis Road; and Parcel B, measuring 105.77 acres 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 on March 27, 2018, the Town of Danby Board of Zoning Appeals granted an Area Variance from the Zoning Ordinance Section 600(4)(a) requirement that road frontage be located on a public road maintained year-round with the stipulation that no permanent structures be constructed on Parcel A; and

Whereas this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 B.2. Minor Subdivision, Option #2 – A small-lot minor



subdivision is permitted, where the division results in a lot or lots of less than 8 acres, provided that the following criteria are met:

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

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

Whereas the Planning Board, being the local agency which has primary responsibility for approving the action, did on May 17, 2018 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on May 17, 2018 and June 21, 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 subdivision plat entitled "Subdivision Plat Showing Lands to be Conveyed by Deborah A. Friends, Located on Curtis Road, Town of Danby, Tompkins County" prepared by T.G. Miller, P.C., and dated 5/1/2018; 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.

*The public hearing was closed at 7:13pm.*

Gagnon wondered whether road frontage stipulations were mentioned twice in the Zoning Ordinance as the Board of Zoning Appeals granted an Area Variance from 600(4)(a), but Article II, § 201 B.2. also states that lots must be on a road that is maintained year-round. Randall clarified that one is in the Zoning Ordinance and the other in the Land Division Regulations; the Planning Board is waving the requirement from the Land Division Regulations.

**MOTION:** Preliminary and Final Approval

Moved by Strichartz, seconded by Scriber

**The motion passed.**

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

PLANNING BOARD RESOLUTION NO. 20 OF 2018 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, CURTIS

ROAD, TAX PARCEL #23.-1-10.2

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. 23.-1-10.2, by Michael Amodie, Applicant, for Deborah A. Friends, Owner; and

Whereas the Applicant proposes to subdivide the existing 109.77-acre property into two parcels: Parcel A, measuring 4.042 acres and undeveloped, to remain undeveloped on Curtis Road; and Parcel B, measuring 105.77 acres 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 June 21, 2018; and

Whereas this Board, acting as Lead Agency in environmental review, did on May 17, 2018 and June 21, 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 subdivision plat entitled “Subdivision Plat Showing Lands to be Conveyed by Deborah A. Friends, Located on Curtis Road, Town of Danby, Tompkins County” prepared by T.G. Miller, P.C., and dated 5/1/2018; and other application materials;

Whereas the Planning Board did on June 21, 2018 make a Negative Declaration of Environmental Significance for the project; and

Whereas on March 27, 2018, the Town of Danby Board of Zoning Appeals granted an Area Variance from the Zoning Ordinance Section 600(4)(a) requirement that road frontage be located on a public road maintained year-round with the stipulation that no permanent structures be constructed on Parcel A; and

Whereas the Planning Board recognizes that information received and reviewed for this Subdivision indicates the resultant parcels do not conform to area requirements in the Low Density Residential Zoning District and waives requirement Article II, § 201 B.2.(b) requirement that road frontage be located on a public road maintained yearround;

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. 23.-1-10.2, by Michael Amodie, Applicant, for Deborah A. Friends, Owner, 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.

## **(6) PLANNING AND ZONING REPORT**

C.J. Randall, Town Planner, reported the following:

- Randall and Connors attended the TCAT Strategic Plan Public Visioning Open House on May 3, 2018. She shared that there is a new app called myStop Mobile that allows riders to see the buses moving in real time. Randall expressed hope that Danby will be included in more routes and trips one day. She said that work is continuing on the TCAT shelter.
- With regard to the Town's \$100,000 grant from NYSEDA's Clean Energy Communities Program that will cover work at the Highway Department, discussion is ongoing as to whether a new wash bay needs to be built or whether it will be feasible to update the existing structure; they are awaiting quotes from a civil engineer. There was a meeting earlier in May with the Highway Department and Cornell Cooperative Extension liaison Terry Carroll, and they just heard back from the NYSEDA representative.
- The Town Board has selected an electric vehicle charging station, EV Connect, which is a dual port charger that will be connected to the Verizon cellular network. The strengthened Verizon network will be up and running in July. In response to a question from Rundle, Randall explained that "networked" means this station will be able to accept payment, users can locate it on an app, and users will also be able to see if the ports are in use. The station cost will be approximately \$1,000, and it will be likely installed in September or October. The final site decision has not yet been made; the current preferred location is in front of the Town Hall.
- While the application for a housing needs assessment through the Community Development Block Grant program (CDBG) will move forward, the Town will wait on applying for a water and wastewater infrastructure feasibility study. The reason for waiting is that the Town has not yet adopted a Sustainable Hamlet Revitalization Plan, so the application would not be competitive, but there may be other programs that would serve the Town better. The housing needs assessment will particularly be aimed at helping low-income households and homes that have become unsafe. The Town has not updated its town-wide rehabilitation study since 1998 when properties were last assessed.
- White Hawk Ecovillage would like to make some revisions to their Planned Development Zone, PDZ 19, largely having to do with property ownership, to help them complete their buildout. Greg Nelson (6 White Hawk Lane) was in attendance and spoke to the issue: Around 2007/2008 zoning laws were passed that specified the legal structure of the community. Now, according to County

Assessment they are a subdivision, and they do not want to be; they received 32 tax bills instead of two.

- The Conservation Advisory Council (CAC) has a conservation easement in the works. It has some issues with subordination to a federal easement, so work is ongoing.
- Ted Crane is continuing to get the word out about the water survey (mentioned in last month's issue of Danby Area News). Randall did contact the New York Rural Water Association (NYRWA) again to see if they could move forward on a source water protection plan, but Steve Winkley is currently working with Dryden. As there have been concerns about water in the past, she will continue to work on this.

## **(7) ADJOURNMENT**

Kruppa, at his final meeting after serving for almost seven years, said thank you to everyone; he has appreciated the energy and effort everyone has put in, and it has been a pleasure.

*The meeting was adjourned at 7:30pm.*

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Alyssa de Villiers – Recording Secretary