

Town of Danby Planning Board
Minutes of Regular Meeting
February 21, 2019

PRESENT:

Ed Bergman
Scott Davis
Joel Gagnon
Bruce Richards
Jody Scriber
Naomi Strichartz
Jim Rundle (Chair)

OTHER ATTENDEES:

Town Board liaison	Leslie Connors
Town Planner	C.J. Randall
Recording Secretary	Alyssa de Villiers
Public	John Barber, Ted Crane, Elizabeth Desch, Sarah Elbert, William Shaff, Matt Ulinski (Town Councilperson)

The meeting was opened at 7:01pm.

(1) CALL TO ORDER / AGENDA REVIEW

Jim Rundle, Chair, announced that Town Planner Randall will no longer be working for the Town of Danby beginning March 14, 2019. Due to her upcoming departure, the joint scoping meeting with the Town Board has been postponed. It was agreed to add a show of appreciation as agenda item 6(b).

(2) PRIVILEGE OF THE FLOOR

Ted Crane mentioned that on Sunday February 24th there will be a "Spacecraft Tour of the Moon" program at the Town Hall.

(3) APPROVAL OF MINUTES

MOTION: Approve January minutes

Moved by Gagnon, seconded by Richards

The motion passed.

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

Abstain: Strichartz, Rundle

(4) TOWN BOARD LIAISON REPORT

Leslie Connors shared the following information:

- Town Supervisor Ric Dietrich has appointed Matt Ulinski as Deputy Supervisor.
- Town Board meetings are being held on the first and second Monday of each month rather than the second and third.
- At the next Town Board meeting they will discuss passing the revised code of ethics, a proposed increase in the animal impoundment fee, and finalizing the energy audit for the highway department.

(5) ACTION ITEMS

Project: Minor Subdivision

Location: 329 Nelson Rd, Tax Parcel No. 4.-1-32.22

Applicant: John R. Barber

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 12.02-acre property into two parcels: Parcel A, measuring 10.02 acres and undeveloped and Parcel B, measuring 2.00 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.

The public hearing was opened at 7:08pm.

Sarah Elbert asked the owner, John Barber, if he intends to sell the part that will now be divided; he answered no. Barber briefly explained his intention with this subdivision, which is to allow his brother to buy the house at 329 without extra land while the woodlot behind house number 339 will eventually be combined with that property for his son.

Randall did send the subdivision information to the Fire Department; they did not have any comment regarding accessibility should a house be built in the woodlot behind 339 Nelson Rd.

MOTION: Make a Negative Declaration of Environmental Significance

Moved by Gagnon, seconded by Scriber

The motion passed.

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

PLANNING BOARD RESOLUTION NO. 5 OF 2019 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, 329 NELSON ROAD, TAX PARCEL #4.-1-32.22

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. 4.-1-32.22, by John R. Barber, Owner and Applicant; and

Whereas the Applicant proposes to subdivide the existing 12.02-acre property into two parcels: Parcel A, measuring 10.02 acres and undeveloped and Parcel B, measuring 2.00 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 this Board, acting as Lead Agency in environmental review, did on December 20, 2018 and February 21, 2019 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 Lands of John Raymond Barber,” prepared by T.G. Miller, P.C., and dated 4/13/2017; 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.

The public hearing was closed at 7:14pm.

MOTION: Grant Preliminary and Final Approval

Moved by Gagnon, seconded by Strichartz

The motion passed.

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

PLANNING BOARD RESOLUTION NO. 6 OF 2019 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, 329 NELSON ROAD, TAX PARCEL #4.-1-32.22

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. 4.-1-32.22, by John R. Barber, Owner and Applicant; and

Whereas the Applicant proposes to subdivide the existing 12.02-acre property into two parcels: Parcel A, measuring 10.02 acres and undeveloped and Parcel B, measuring 2.00 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 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 February 21, 2019; and

Whereas this Board, acting as Lead Agency in environmental review, did on December 20, 2018 and February 21, 2019 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 Lands of John Raymond Barber,” prepared by T.G. Miller, P.C., and dated 4/13/2017; and other application materials; and

Whereas the Planning Board did on February 21, 2019 make a Negative Declaration of Environmental Significance for the project; and

Whereas the Danby Fire Department has been given opportunity to comment; 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. 4.-1-32.22, by John R. Barber, 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.

Project: Commercial Corridor

Location: 1839-1849 Danby Rd., Tax Parcel Nos. 10.-1-42 and 10.-1-49.2

Applicant: Ben Rosenblum Studio for Olivia Vent, Owner

Anticipated Board action(s) this month: Resolution supporting Sketch Plan

Project Description: The applicant is proposing a Sketch Plan of a phased commercial corridor with two new commercial spaces, 1 seasonal food market, and 15 bedrooms on tax parcels 10.-1-42 and 10.-1-49.2. The project is located in the Low Density Residential Zone.

Rundle framed the issue: would the Planning Board like to recommend to the Town Board that this project be done through a planned development zone (PDZ)? Strichartz asked whether that was the only option or whether it could be rezoned commercial. Gagnon pointed out that a PDZ allows more control over the site plan and that a recommendation puts the owner in a better position with potential developers.

Gagnon added that the cottage cluster idea in that area was popular with the public in the Hamlet Revitalization Plan, and that this project has added some commercial to that idea while including historic preservation. Strichartz said she is in support of the project and it is located where the Town would like to see development. Richards said the boxes were ticked, it was a good presentation, and he thinks the Board should encourage the proposal. Scriber raised a concern she had about resources. Because the owner does not have the necessary finances and still needs a developer, Scriber was worried about the feasibility, particularly regarding the survival of a store and the possibility of the project not reaching completion. Strichartz said that the community wants a store and that when the Town has had one it brings the community together.

Regarding Scriber's concerns, Randall said that during the SEQR (NY State Environmental Quality Review Act) process, the board who is lead agency, probably the Town Board in this case, can look at whether the project backers have adequate resources. Scriber added that the Board has some control over how businesses look. Form considerations could be included in a PDZ.

Ted Crane pointed out that there is a big difference between the two proposed phases. He felt that for Phase Two to happen, many factors would need to come into alignment. The Board agreed with this. He pointed out that in Phase Two the Danby Community Park Association would need to agree to road access and the nature of the park would be drastically changed. Crane suggested that more specific language was needed in the resolution to tie the recommendation to the specific proposal, lest a developer take over and decided other things. He also thought more distinction was needed between Phase One and Phase Two.

In response to Crane's comments, Davis stressed that this resolution is just recommending a PDZ as the vehicle for the project moving forward and that the Planning Board thinks it is a suitable proposal; the specifics will continue to evolve. Gagnon seconded this saying that the Town Board will decide what to do with the proposal and the parameters will be defined later. There was brief discussion of not including the language about a PDZ in the recommendation and running the recommendation by the Town's lawyer, but in the end the resolution was passed unchanged.

Rundle asked Town Planner Randall to review the steps this project may take. She pointed out that this is an initial, informal step — there is no current application pending. If there is a formal application, then the applicant will prepare the PDZ or a request for rezoning as they so choose, and the onus is on them. Alternatively, the Town Board could take up the issue of rezoning, placing the onus on the Town. This

resolution alerts the Town Board that the Planning Board thinks this is an interesting proposal. Once there is an application that the Town Board has seen, the suggested zoning would come to the Planning Board, there would be a public hearing, and the Planning Board would make a recommendation, with or without modifications. Then it would move to the Town Board to be adopted as law or not. The fastest pace this could move through would be six months.

MOTION: Pass Resolution No. 7 of 2019

Moved by Gagnon, seconded by Richards

The motion passed.

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

**PLANNING BOARD RESOLUTION NO. 7 OF 2019 - PLANNING BOARD
RECOMMENDATION TO TOWN BOARD REGARDING PROPOSAL TO REDEVELOP 1839-
1849 DANBY ROAD, TAX PARCELS #10.-1-42 AND 10.-1-49.2**

Whereas Members of the Town of Danby Planning Board recognize the importance of choosing an appropriate development for the site located at 1839-1849 Danby Road in the Central Danby Hamlet; and **Whereas** the site occupies a prominent location in the geographic center of the Town and is surrounded by government, recreation, institutional, and business; and

Whereas the Sustainable Hamlets Revitalization Plan promoted hamlet-scaled development that would be sustainable, diverse, and compatible with the environment; and

Whereas Members of the Planning Board also recognize the Absence of Services as described in the 2010 Town Comprehensive Plan Chapter II (2) Planning Considerations for Population and Housing, which includes the Central Danby Hamlet's inability to serve as a place of interaction where goods can be purchased due to the loss of both a gas station/general store and small-scale supermarket/lunch counter; and

Whereas the property is currently zoned 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 the Comprehensive Plan objective A2.1.2 is to Modify Zoning Regulations to allow mixed-use buildings by right in targeted core areas in both hamlets; and

Whereas the Town of Danby Planning Board has reviewed the 01/07/2019 proposal for the site and feels the Ben Rosenblum Studio / Olivia Vent Sketch Plan from a hamlet planning and design perspective is very appropriate for the site; and

Whereas adaptive use of the existing barn and two other significant structures pays homage to and improves upon the original architecture, a part of Danby's history; and

Whereas a Planned Development Zone would best accommodate the mixed uses proposed for this site;
Now Therefore, be it

Resolved that the Town of Danby Planning Board recommends to the Town Board that the Ben Rosenblum Studio / Olivia Vent proposal be enabled by rezoning the parcels at 1839-1849 Danby Road into a Planned Development Zone.

Project: Renewal of Special Permit – Commissary

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

Applicant: Brian Horvath

Anticipated Board action(s) this month: Determination of Compliance

Description: The Applicant was granted a Special Permit on March 15, 2018 (Planning Board Resolution No. 8 of 2018) for the creation of a Commissary, a non-retail food-processing establishment. A Food Service Establishment (FSE) Operating Permit is also required from the

Tompkins County Department of Health. Approval of the Special Permit was granted for one year; Applicant is requesting renewal.

In response to a question from Rundle, Randall said that the Code Officer does not recall any complaints. Bergman questioned whether the applicant need file every year or whether extending the term of renewal should be considered. To change the term, Randall suggested a public hearing and new resolution. As the renewal process does not cost anything and is not burdensome to the applicant, it was decided to simply renew the permit for one year. The permit in question is for using a building as a prep/storage space for a farmer's market stand.

MOTION: Renew the Special Permit granted through Resolution No. 8 of 2018

Moved by Strichartz, seconded by Bergman

The motion passed.

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

(6) PLANNING AND ZONING REPORT

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

- She will be giving weekly updates to the Town Board until her departure on March 14th. She is willing to do on-call consulting as needed.
- There are currently no pending development applications.
- Randall will be talking with the Town Board on March 4th regarding Resolution No. 7, passed this evening recommending a PDZ at 1839-1849 Danby Rd. Randall recommends relying on the Town Attorney, Guy Krogh, who is very knowledgeable about land use law. He may also attend the Board of Zoning Appeals meetings.
- The Conservation Advisory Council (CAC) has received a 40-acre conservation easement from Kate O'Neal across from Van De Bogart Rd., including important agricultural soils and wetlands.
- Please let her know if there are any maps the Board needs.
- She will be attending the March 5th emergency planning meeting.
- Regarding projects in process:

- The Town may need to decline the Community Development Block Grant (CDBG) housing needs assessment grant.
 - The Conservation Advisory Council is well set up with the Natural Resource Inventory (NRI). At the March 12th meeting Randall will hand over the complete and final draft, which will then be brought to the Town Board for adoption. If it is adopted, the Planning Board could then use it in amending zoning.
 - Regarding the timber harvesting ordinance, draft law amendments will be to the CAC by the March 12th meeting.
 - The NYSERDA Clean Energy Communities highway project will be taken over by Jack Shawley and Laura Shawley. They will also take over the grant administration of the Brown Rd. stabilization project.
 - A decision of whether to continue the LED streetlight conversion project needs to be made.
 - Randall is waiting to hear back from the President of the Danby Community Park Association (DCPA) on whether their liability insurance is enough to have a playground. Randall will then try to submit a grant application.
 - TCAT is requesting a license agreement between the Town and DCPA for the new Park & Ride.
- The job of Town Planner has been posted and Randall has contacted people she feels may be a good fit to encourage them to apply.

(6)(b) APPRECIATION

The Board expressed appreciation for all C.J. has done to streamline processes and bring order to the office, putting the Planning Board in good stead going forward. They also wished her well in her new role as Director of Planning in the Town of Lansing.

(7) ADJOURNMENT

The meeting was adjourned at 8:01pm.

The meeting was reopened at 8:08pm.

The Board felt further discussion was needed regarding the job posting and selection of a new Town Planner and so the meeting was reopened. Members unanimously felt that the position should be for more than 20 hours per week in order to bring to fruition the work that has been done so far. Randall said that she thought a 20-hour position would cover core planning functions of Town. Then the Town would need to consider hiring a consultant to further other planning goals. The Board felt that with the zoning audit complete and the NRI maps on their way to adoption, they would definitely need more hours from a planner to complete the logical next steps.

Davis also felt that some action should be taken to formalize the place the Board has come to at this time so that momentum is not lost. For instance, the Planning Board is now entering a phase of rewriting the Town's zoning and looking at the comprehensive plan.

A motion was made and withdrawn (moved by Bergman, seconded by Davis) to make a resolution requesting a 40-hour Town Planner position. Matt Ulinski (Town Councilperson) said that the more specific and clear the Planning Board could be the better, and suggested a resolution was not necessary. Instead it was agreed that Davis would draft a letter to the Town Board, then run the result by the rest of the group for feedback before it is sent on to the Town Board. Richards suggested presenting the body of work that the Planning Board would like to complete to demonstrate the hours that may be required.

The meeting was adjourned at 8:20pm.

Alyssa de Villiers – Recording Secretary