

Town of Danby Planning Board  
Minutes of Regular Meeting  
April 18, 2019

**PRESENT:**

Scott Davis  
Bruce Richards  
Jody Scriber  
Joel Gagnon (Acting Chair)

**ABSENT:**

Ed Bergman  
Naomi Strichartz  
Jim Rundle (Chair)

**OTHER ATTENDEES:**

Town Planner	John Czamanske
Town Board Liaison	Leslie Connors
Recording Secretary	Alyssa de Villiers
Public	Ric Dietrich (Town Supervisor), C.J. Randall (former Town Planner), Matt Ulinski (Town Councilperson)

*The meeting was opened at 7:04pm.*

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

While no additions were officially made to the agenda, a discussion about zoning and development arose out of the Town Board Liaison's report, included here as agenda item number five.

**(2) PRIVILEGE OF THE FLOOR**

Matt Ulinski, Chair of the Conservation Advisory Council (CAC), spoke briefly regarding the Natural Resources Inventory (NRI) presentation that was to come later in the meeting. He asked the Planning Board to give an indication of approval of the document before it comes before the Town Board for adoption.

**(3) APPROVAL OF MINUTES**

**MOTION:** Approve March minutes

Moved by Davis, seconded by Scriber

**The motion passed.**

In favor: Davis, Richards, Scriber, Gagnon

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

Leslie Connors shared the following information:

- The CAC is moving from having five to seven members to having five to nine members due to increased interest.
- The position of Recreation Partnership representative is vacant. It is hoped that someone with school-age children will fill the position.
- Olivia Vent presented her informal proposal regarding her properties at 1839-1849 Danby Rd. to the Town Board. Concerns included water, sewer, and parking. Some neighbors attended the meeting, and there was no overt opposition to considering the project. More will need to be heard from the Church and the Park. Connors said Vent will now need to find a developer to create a proposal that is fully fleshed out.

#### **(5) ZONING AND DEVELOPMENT DISCUSSION**

After Leslie Connors brought up Olivia Vent's informal development proposal, Acting Chair Gagnon asked whether the Town Board had considered the creation of a Planned Development Zone (PDZ). Town Supervisor Dietrich said that Vent could approach the Town Board to create a PDZ, but nothing has as yet been taken further. Town Planner Czamanske said that Vent needs to plan out costs and strategy before coming forward as an applicant for a rezoning proposal; alternatively the Town could decide it likes the idea and move forward with rezoning on its own. As Vent does not have the resources to execute the plan herself, Gagnon pointed out that the Town Board could rezone the area proactively, thereby making it more attractive for a developer. Town-led rezoning could be project specific or not, and it would be possible to work together with an applicant. Advantages and disadvantages of applicant-led versus town-led rezoning were reviewed. Scriber said that many wish the hamlet had something similar to what is being proposed, so it could make sense for the Town to think about what it wants and do the rezoning; this way even if this proposal does not happen, the Town would be ready for another. Davis also directly asked what more the Town can do.

Dietrich noted that there is a lot happening in the Town right now, including another development proposal possibility and a number of craft beverage operations trying to locate. More is likely to be coming before the Planning Board soon. He mentioned the idea of synergizing the current energy, and that the Town could take something on if it was the right thing. Ulinski added that there is the question of how to pick who the

Town works with for development. Gagnon acknowledged this and said one reason Vent's idea is appealing is that is consistent with the hamlet revitalization plan; with any plan, there would need to be enough specificity that the Town would know what it was getting.

Discussion moved on to craft beverages, a topic not dealt with directly in the Zoning Ordinance. As yet none of the pending proposals have come before the Planning Board because they are either agricultural or farm satellites. Czamanske said that it would be helpful if there was something in the Zoning Ordinance regarding farm craft beverage operations so that it is clear how they get defined in terms of zoning and so site plan review and approval is required to ensure safe ingress and egress, parking, etc. NYS Department of Agriculture and Markets (Ag and Markets) has been contacted and they would support site plan review as long as it is not unreasonable. Alcoholic beverage control licensing and Danby's right to farm law need to be considered, but the right to farm law does not necessarily trump the Zoning Ordinance; currently a lot comes down to interpretation. Right now there is not a clear process how these applications will get approved and whether they will need to come before the Planning Board; they may come voluntarily. Dietrich also said there is the recurring issue of regulation; sometimes the larger regulatory agencies do not have the ability to regulate Town issues, but also the Town does not have laws addressing them.

With adding a sentence about craft beverages to the Zoning Ordinance in mind, Davis suggested forming a committee to focus on the most pressing projects and what amendments to the Zoning Ordinance are needed immediately. Scriber agreed that extra time is needed to tackle some of the issues and move forward. Richards added that the training he attended in Schoharie County offered sample laws for similar scenarios, so the issue should not be too intractable. Scriber asked how long the process for adding something like that to the Ordinance might be, to which the answer was two to three months. Davis asked about how this process actually happens. He suggested that for next month's agenda specific short-term changes be discussed. Scriber added that if the Planning Board is clear on what they need to do and what the process is, she feels they are willing to spend the time and take action now. Czamanske said that he can draft changes to the Ordinance, but would not be ready to do that by the May meeting.

Czamanske also addressed the issue of staff authorities not being clear, particularly between the Zoning Officer, the Town Planner, the Code Officer, and the Code Enforcement Officer. Who makes sure that the Zoning Ordinance is being followed? The Ordinance itself does not clearly define a Zoning Enforcement Officer and only makes reference to the role once. Its functions could be done by the Town Planner, the Code Officer, the Code Enforcement Officer, or an assistant, but need to be filled. Dietrich said he had been thinking of the Planner as the Zoning Officer, making sure the Code Officer does not issue permits that are not good. However, when he asked former Town Planner Randall how this played out with former Code Officer Hansen, she said it was at his discretion if something needed to be run by her or go to the Planning Board or Board of Zoning Appeals. She said it would be possible to add a line that requires the Planner's approval on building permits. Czamanske said that in Ulysses the Planner was the Zoning Officer; he was in fact sworn in as a Zoning Officer, a role that included signing off on building permit applications after look at things like setbacks and building heights that are regulated by the zoning. A history of code and staff roles in the Town was also reviewed.

Dietrich said that he feels the boards are not ready for a joint scoping meeting at this juncture, but that Planner Czamanske's meetings with each of the boards are addressing some of the functions of the meeting. He said that figuring out staffing and staff continuity will be important. Also, what the CAC's growing role will be and how they will advise the Planning Board needs to be considered. Gagnon said that the CAC will be another set of eyes with a certain set of expertise that can highlight environmental considerations; if it becomes a conservation board, it would still be advisory in nature. Dietrich also mentioned considering how the comprehensive plan relates to how the Town is working.

## **(6) FINAL DRAFT DANBY NATURAL RESOURCES INVENTORY**

Former Town Planner Randall presented the Natural Resources Inventory (NRI) final draft via projector. This was prepared not only because it is a statutory requirement for conservation advisory councils, but also because it will be a wonderful foundation going forward in creating environmental overlay districts. Methods and data sources are described, followed by three main sections—hydrology, geology and soils, and land use and protected lands. There is a habitat connectivity model that shows the effects of fragmentation, as well as a section on conservation open areas and criteria to inform where the CAC might like to focus attention on. The document is made up of maps that depict the Town through a variety of lenses, from soil types to flood zones to desirability of farmland. Randall went through the document and highlighted areas that may be of particular interest to the Planning Board. It gives a picture of what the Town already has, and provides data for future decisions. Also, the CAC will now hopefully be able to offer comments to the Planning Board regarding environmental aspects of projects.

Those of the Planning Board that were present expressed that they were in support of adoption of the NRI. (Scott Davis had to leave and was therefore no longer in attendance.)

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

Town Planner Czamanske reported the following:

- Discussion of staffing and staff authorities had already been discussed (see above).
- All Local Laws and the most up-to-date Zoning Ordinance are on the website. It would be a good idea at some point to go through the zoning and subdivision regulations and validate that everything is indeed included.
- The Town Planner's email has been changed to the generic "planner@townofdanbyny.org" so that there will be email continuity. Czamanske has been working on making sure all documents will be in one place on the server for future staff transitions.

- Czamanske and Code Officer John Norman did a site visit at White Hawk Ecovillage. White Hawk provided a utility plan, and it will need to be determined if they are meeting all requirements.
- The Beardsley Lane development is having some stormwater lot issues because the two stormwater lots were not dedicated to the Town when the subdivision was approved. The lots need to have the taxes paid and were going to be auctioned. Discussion is underway with the Town Attorney.
- Czamanske will meet next week with the Board of Zoning Appeals regarding their training needs.

## **(8) ADJOURNMENT**

*The meeting was adjourned at 9:09pm.*

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Alyssa de Villiers – Recording Secretary