

Town of Danby Planning Board
Minutes of Regular Meeting
March 31, 2020

PRESENT:

Ed Bergman
Kathy Jett
Elana Maragni
Bruce Richards
Jody Scriber
Jim Rundle (Chair)

ABSENT:

Scott Davis

OTHER ATTENDEES:

Town Planner	Jason Haremza
Town Board Liaison	Leslie Connors
Recording Secretary	Alyssa de Villiers
Public	Sylvia Allinger, George Blanchard, Michelle Fullagar, Joel Gagnon (Town Supervisor), Jim Henion, Cindy Parlett, Jared Parlett, Jessie-Emma Parlett, Larry Parlett, Sam Parlett

This meeting was conducted virtually on the Zoom platform.

The meeting was opened at 7:07pm.

(1) MEETING WITH STAFF

Planner Haremza thanked everyone for adapting to the new technology and explained how public participation would work. No Board Members had questions regarding the cases.

(2) CALL TO ORDER / AGENDA REVIEW

There were no additions or deletions to the agenda.

(3) PRIVILEGE OF THE FLOOR

No comments were made during privilege of the floor.

(4) APPROVAL OF MINUTES

MOTION: Approve Feb. 18th minutes

Moved by Richards, seconded by Scriber

The motion passed.

In favor: Bergman, Jett, Maragni, Richards, Scriber, Rundle

MOTION: Approve March 3rd minutes

Moved by Scriber, seconded by Berman

The motion passed.

In favor: Bergman, Jett, Maragni, Richards, Scriber

Abstain: Rundle

(5) TOWN BOARD LIAISON REPORT

Leslie Connors (Town Councilperson) shared the following information:

- There was a small gathering two weeks ago to watch Dave Mastroberti plant a dogwood tree in celebration and appreciation of former Town Supervisor Ric Dietrich's service to the Town of Danby. A larger event had been organized but had to be cancelled (due to COVID-19 concerns).

(6) PUBLIC HEARINGS

Case #1, SUB-2020-03 Consider Minor Subdivision Approval

Project: Fullagar Subdivision

Location: 16 Hill Road; Tax Parcel 20.-1-25.24

Zoning: Low Density (LD) Residential

Applicant: Michelle Fullagar

Anticipated Board action(s) this month: Public hearing, Subdivision approval

Project Description: The Applicant proposes to subdivide a 15.98 acre parcel into Parcel B (2 acres) for a proposed single family dwelling. Parcel A (13.98 acres) will retain the existing single family dwelling. The proposed parcels meet the minimum requirements of the LD District.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #1

County 239 referral: NA

The public hearing was opened at 7:18 pm.

As lead agency for the State Environmental Quality Review Act (SEQR), the Board went through the Short Environmental Assessment Form (SEAF) parts two and three. Chairman Rundle noted that a single-family dwelling is proposed. Richards said this would be considered a small impact. Planner Haremza added that the general assumption for single-family homes is that they will not have an impact on the environment. Thus, for part two, all questions were answered, "No or small impact may occur."

The applicant, Michelle Fullagar, said she had nothing to add. The only stipulation she had for the person who wanted to buy the land was that she did not have any desire for mobile or manufactured housing on the property.

The public hearing was closed at 7:34 p.m.

MOTION: The proposed action will not result in any significant adverse environmental impacts.

Moved by Richards, seconded by Bergman

The motion passed.

In favor: Bergman, Jett, Maragni, Richards, Scriber, Rundle

MOTION: Approve the minor subdivision.

Moved by Richards, seconded by Scriber

The motion passed.

In favor: Bergman, Jett, Maragni, Richards, Scriber, Rundle

Case #2, SUB-2020-04 Consider Minor Subdivision Approval

Project: Blanchard Subdivision

Location: 437 East Miller Road; Tax Parcel 6.-1-21.214

Zoning: Low Density (LD) Residential

Applicant: George Blanchard

Anticipated Board action(s) this month: Public hearing, Subdivision approval

Project Description: The Applicant proposes to subdivide a 33.22 acre parcel into Parcel B (3 acres) for a proposed single family dwelling. Parcel A (30.22 acres) will retain the existing single family dwelling. The proposed parcels meet the minimum requirements of the LD District.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #1

County 239 referral: NA

Maragni said she had noticed this was a wide-open corner plot with very little landscaping or privacy trees between it and the existing house. She asked the applicant if there were any plans to screen the future house from the road or existing house. The applicant, George Blanchard, answered that there were no plans for additional vegetation. He said he currently hays that field and so wants it clear. Maragni said her concern was with another house being plopped in the middle of a field, an issue that has come up at the Planning Group meetings. Mr. Blanchard said he will not be selling that lot right now, and Jim Sczepanski

will continue to hay it; the existing house and barn is being sold. He said there are no immediate plans for the lot to change. He had consolidated the parcel for tax reasons but now wanted to leave his options open down the road. Maragni noted that the project description references a "proposed single family dwelling." Planner Haremza said this was to account for a maximum buildout scenario for SEQR—a single-family home down the road is a reasonable assumption when subdividing a parcel of this size. Blanchard agreed that this was a likely outcome but not in the plans currently.

The public hearing was opened at 7:44 p.m.

As lead agency for the State Environmental Quality Review Act (SEQR), the Board went through the Short Environmental Assessment Form (SEAF) Parts 2 & 3. For Part 2, all questions were answered, "No or small impact may occur."

Question #3: Will the proposed action impair the character or quality of the existing community?

Rundle asked Maragni if, based on her previous comments, she had any thoughts on this question. She said that, as there is no actual proposed structure being built, she did not. Scriber asked if that would come up at the point someone decided to build. Haremza answered that SEQR was designed to protect sensitive environmental areas and address very large projects. The presumption under SEQR for single-family homes in non-sensitive areas is that no further environmental review is necessary. Rundle confirmed that if something is proposed later, there would be no site plan review required.

Richards said this was a good example of what Town Supervisor Gagnon is concerned about, namely that agricultural land will be divided up over time and converted into residential uses. Richards said that as things stand currently, he does not believe they can decline or reject a proposal. Gagnon agreed. Gagnon said that once the lot is created, the applicant can, by right, request a building permit with no further environmental review. He said that this is the point at which the environmental review takes place, and so one has to anticipate the possible uses of the lot. At the moment in Danby, it is presumed that if a lot is created, a house will end up on it by and by. Gagnon added that this is a permitted use, and the impact could hardly be called "moderate to large." The Town could decide to address this (being impact on rural character) through screening, house location on a property, or adding site plan review. Richards said that he did not think there was only one point of view on this in the Town.

Question #4: Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Gagnon noted that there are no established Critical Environmental Areas in the Town of Danby.

Question #6: Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Haremza noted that anything built needs to comply with the NYS building code, which includes an energy code.

The public hearing was closed at 7:57 p.m.

MOTION: The proposed action will not result in any significant adverse environmental impacts.

Moved by Richards, seconded by Bergman

The motion passed.

In favor: Bergman, Jett, Maragni, Richards, Scriber, Rundle

MOTION: Approve the minor subdivision.

Moved by Scriber, seconded by Jett

The motion passed.

In favor: Bergman, Jett, Maragni, Richards, Scriber, Rundle

(7) PRELIMINARY REVIEWS

a) Minor Subdivision

Location: 84 Layen Road, Tax parcel 8.-1-1.32

Zoning: Low Density (LD) Residential Zone

Applicant: Jim Henion

Proposal: The Applicant proposes to subdivide a 31.73 acre parcel into Parcel B (28.69 acres) to remain as open space with a pole barn structure. No construction is proposed at this time. Parcel A (3.04 acres) will retain the existing single family dwelling. The proposed parcels meet the minimum requirements of the LD District.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #2

County 239 referral: to be completed

The applicant, Jim Henion, explained that he built a house at 84 Layen Rd. and lived there for almost 50 years. He then built a new house down the road, which he wants to move into. He plans to sell the 84 Layen Rd. house, although he is not sure when. Responding to a question from Rundle, Haremza clarified that on the map the Board had, "Parcel No. 4" was the same as "Parcel A" in the agenda description and "Parcel No. 2" was "Parcel B." The Board asked for clearer maps by the time of the public hearing, which will be in April or May. Richards commented on the tortured shape of the created lot, and Mr. Henion agreed that it was confusing. He said his intention is not to break it up further, and no more subdividing is planned.

b) Minor Subdivision

Location: 107 Gunderman Road, Tax parcel 9.-1-9.52

Zoning: Parcel is split between Medium Density (MD) and Low Density (LD) Residential Zone

Applicant: Larry Parlett

Proposal: The Applicant proposes to subdivide a 10.087 acre parcel into Parcel A (5.087 acres) that will contain the existing single family dwelling. Parcel B (5 acres) will contain a proposed single family dwelling. The proposed parcels meet the minimum requirements of the LD District, which is the more restrictive of the two zoning classifications.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #2

County 239 referral: NA

Sam Parlett explained the plan for the property: he and his wife would like to put a home on the subdivided section, Parcel B. He said that they had purchased and revived the run-down house at 107 Gunderman Rd., and Jared Parlett said he lives there currently. Larry Parlett said that the location they are planning to build in is about where it says "Parcel B" on the map. Rundle said the map was adequate, and the public hearing will be in April or May.

(8) PLANNING GROUP UPDATE

Supervisor Gagnon, Chair of the Planning Group, reported on the progress the Group has made so far:

There have been two meetings of the full group, which led to the decision not to do any interim changes but instead launch into the planning process.

At the first full meeting, people expressed concerns about the inability of large landowners to hold their property given the rising land values and resulting increases in taxation on undeveloped land. A group was formed to focus on the question of what can be done to provide tax relief to large landowners (7 members). It has met once, and an early focus was whether there should be any linkage between tax relief and protection for the land versus tax relief just so people can hang onto the land, with or without protection. He thought the larger topic of providing tax relief to large landowners was something the whole group is in support of. The value of undeveloped land was discussed. Gagnon noted that some Towns have confronted this issue, including Pittsford and Bethlehem. These towns had to go to the State legislature to pass a local law to reduce the assessed value based on certain criteria, for example the length of time the land is protected. The Town does not have the authority to reduce County or school taxes, but they could pass a law allowing them to opt in.

Also at the first meeting, a second group was formed to focus on community outreach (5 members). It will help publicize what the Group is doing. It may also facilitate the decision-making process through ideas like video clips to explain options and polling for people to weigh in.

At the second full meeting, the Group tackled whether to do interim changes or not, and the sense of the group was "no," at least not at this point. One thing that informed that decision was the data that Planner Haremza and Code Officer Cortright compiled on the number of new dwelling units per year since 1971.

After a spike in the late '80s, the graph shows the number of units has been fairly stable over time, with a decline in the last few years. Based on this, the feeling was that the Town was not under intense pressure. Two further groups were formed in this meeting, one to delineate priority conservation areas in the Town where development should be slowed or inhibited (12–14 members) and the other to focus on where and how to enable hamlet development (6 members). These groups have not met yet but are about to. The Conservation Advisory Council (CAC) will be working as part of the conservation group to identify criteria for special places in the Town. The hamlet group will be looking at constraints and opportunities for growing the hamlets and what would make this possible and desirable.

Rundle said it seemed like this was a good start, and the report was very informative. Gagnon added that the process is flexible, and he imagines they will pick more people up on the way. Meeting minutes are on the Town website as well as updates related to the Planning Group.

(9) PLANNER'S REPORT

Planner Haremza reported the following:

- He has been figuring out how to do things remotely, which the Town will need to be doing for the foreseeable future.
- Regarding Beardsley Lane drainage, he will be following up with Laura Shawley about the Town taking title to the two parcels for the drainage infrastructure. T.G. Miller will then produce a report laying out ongoing maintenance responsibilities and costs.
- The Housing Conditions Survey is complete and has been submitted to the State. The final report is on the Town website on the Planning and Zoning page.
- He is working to finish the Municipal Housing Affordability Grant. This is to look at increased housing density in the hamlet area and how to accomplish that with existing infrastructure. The request for qualifications (RFQ) will be posted soon.
- Regarding the Howland Rd. hemp operation, there is activity reportedly continuing there. Gagnon said, under the circumstances, it has been hard to hear back from people he has contacted about the issue.

(10) ADJOURNMENT

Planner Haremza discussed with Chair Rundle and Jody Scriber (Acting Chair at the previous meeting) the process for getting the necessary signatures for documents remotely.

The meeting was adjourned at 8:55pm.

Alyssa de Villiers – Recording Secretary

**Town of Danby
Planning Board Resolution Number 7 of 2020
March 31, 2020**

**Preliminary and Final Approval, Minor Subdivision SUB-2020-03
16 Hill Road, Tax Parcel 20.-1-25.24**

1. **Whereas** an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of 16 Hill Road, tax parcel 20.-1-25.24 by Michelle Fullagar; and
2. **Whereas** the Applicant proposes to subdivide the existing 15.98 acre property into two parcels:
 - a. Parcel A, measuring 13.98 acres, containing the existing single family dwelling on the south side of Hill Road
 - b. Parcel B, measuring 2 acres, for a proposed single family dwelling, fronting on South Danby Road
3. **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
4. **Whereas** this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, Section 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
5. **Whereas** this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review (SEQR) Act and is subject to environmental review; and

JRR
3/31/20

6. **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, Section 601 II.H. Hearing and Notices; and
7. **Whereas** the Public Hearing originally scheduled for 3-17-2020 was postponed due to the COVID-19 emergency, the Planning Board held the required Public Hearing via video conference on 3-31-2020; and
8. **Whereas** this Board, acting as Lead Agency per the State Environmental Quality Review (SEQR) Act, did on March 31, 2020 review and accept:
 - a. A Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant
 - b. A survey map entitled "Survey Map No. 16 Hill Road," prepared by T.G. Miller, P.C., and dated 2019; and
9. **Whereas** the Planning Board did carefully consider Part 2 of the SEAF and on March 31, 2020 make a Negative Declaration of Environmental Significance for the project; and
10. **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.
11. **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 16 Hill Road, tax parcel 20.-1-25.24 by Michelle Fullagar, 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.

Approved March 31, 2020



James R. Rundle, Chairperson

**Town of Danby
Planning Board Resolution Number 8 of 2020
March 31, 2020**

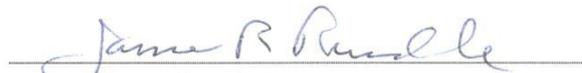
**Preliminary and Final Approval, Minor Subdivision SUB-2020-04
437 East Miller Road, Tax Parcel 6.-1-21.214**

1. **Whereas** an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of 437 East Miller Road, tax parcel 6.-1-21.214 by George Blanchard; and
2. **Whereas** the Applicant proposes to subdivide the existing 33.22 acre property into two parcels:
 - a. Parcel A, measuring 30.22 acres, containing the existing single family dwelling on the south side of East Miller Road
 - b. Parcel B, measuring 3 acres, for a proposed single family dwelling on the southwest corner of East Miller Road and Marsh Road
3. **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
4. **Whereas** this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, Section 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
5. **Whereas** this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review (SEQR) Act and is subject to environmental review; and

JRR
3/31/20

6. **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, Section 601 II.H. Hearing and Notices; and
7. **Whereas** the Public Hearing originally scheduled for 3-17-2020 was postponed due to the COVID-19 emergency, the Planning Board held the required Public Hearing via video conference on 3-31-2020; and
8. **Whereas** this Board, acting as Lead Agency per the State Environmental Quality Review (SEQR) Act, did on March 31, 2020 review and accept:
 - a. A Short Environmental Assessment Form (EAF), Part 1, submitted by the Applicant
 - b. A survey map entitled "Survey Map Showing Lands of George & Dawn Blanchard," prepared by T.G. Miller, P.C., and dated 9-29-2004; and
9. **Whereas** the Planning Board did carefully consider Part 2 of the EAF and on March 31, 2020 make a Negative Declaration of Environmental Significance for the project; and
10. **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.
11. **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 437 East Miller Road, tax parcel 6.-1-21.214, by George Blanchard, 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.

Approved March 31, 2020


James R. Rundle, Chairperson