

Town of Danby Planning Board
Minutes of Regular Meeting
July 21, 2020

DRAFT

PRESENT:

Ed Bergman
Scott Davis
Kathy Jett
Elana Maragni
Bruce Richards
Jody Scriber (Acting Chair)

ABSENT:

Jim Rundle (Chair)

OTHER ATTENDEES:

Town Planner	Jason Haremza
Town Board Liaison	Leslie Connors (Town Board member)
Recording Secretary	Alyssa de Villiers
Public	Ted Crane, Kevin Feeney, Joel Gagnon (Town Supervisor), Garry Huddle, Mike McLaughlin, Sarah Schnabel (Town Board member)

This meeting was conducted virtually on the Zoom platform.

The meeting was opened at 7:03pm.

(1) MEETING WITH STAFF

The Board had no questions for Planner Haremza.

(2) CALL TO ORDER / AGENDA REVIEW

Planner Haremza added a discussion of 31 Comfort Rd. to the agenda as item number 11. He said this property, behind the former Oasis, has a single-family home, and there is a small, vacant parcel behind it. They are owned by the same owner, who would like to apply for rezoning to Low Density Residential as they are currently zoned Commercial.

(3) PRIVILEGE OF THE FLOOR

Ted Crane said he thought it was a great idea to rezone the parcels Haremza mentioned located at 31 Comfort Rd.

Joel Gagnon (Town Supervisor) said that, regarding the Brown Rd. proposal before the Board, he was disappointed to see it in this form. When it had previously come before the Board, they had talked about doing a cluster that would allow for some retention of open space and possibly some of the historical park use. He noted that the Board could mandate clustering if it wished to.

(4) APPROVAL OF MINUTES

MOTION: Approve the June 16th minutes

Moved by Richards, seconded by Bergman

The motion passed.

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

(5) TOWN BOARD LIAISON REPORT

Leslie Connors (Town Board member) shared the following information:

- A committee has been working on updating the website. She asked that folks please give feedback if they have any.
- The Town Board will be drafting descriptions of groups and committees, which can be handed out to applicants. She said some people will be starting a broadband committee.
- The Town Board received a lot of complaints about road conditions and speeding, and they will be working on these issues with residents.
- A small group is working on local law codification and getting legislation in one place and gathered by topic so that it is easy to access and understand.
- There will be a Town Board meeting on July 22nd where they will address a workplace violence prevention program, talk about the Highway Superintendent residency requirement, and consider (re)starting “Best of Danby” awards. She mentioned hoping to start a committee for site plan review for all agricultural development, with the goal of addressing potential impacts and safety; this was on the agenda for later in the meeting.

(6) PRELIMINARY REVIEWS

a) Standard Subdivision

Location: Southwest corner of Brown Road and Short Road, Tax parcel 17.-1-2.2

Zoning: High Density (HD) Residential Zone

Applicant: Mike McLaughlin

Proposal: The Applicant proposes to subdivide a 2.2 acre parcel into three parcels:

- Parcel A (0.6 acre +/-) will contain a two story, two family dwelling
- Parcel B (0.8 acre +/-) will contain a single story, two family dwelling
- Parcel C (0.7 acre +/-) will contain a single story, two family dwelling

The proposed parcels will meet the minimum size requirements of the HD District. (75' frontage, 150' depth, ½ acre)

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Ag District #2

County 239 referral: pending

Planner Haremza said the parcel is on the southwest corner of Brown Rd. and Short Rd. in West Danby, to the northeast of the hamlet center. He had worked with the applicant on preparing a sketch drawing of how the property could be divided into three parcels, which is a challenge with the setbacks and septic system requirements.

The applicant, Mike McLaughlin, explained the project and its history. He said the current plan is for duplexes with two bedrooms in each to be used as rental units. The original plan, made two to three years ago in conjunction with Danby's Planning Board, was a cluster development with six two-bedroom homes. This would have left a segment of the property available for the people who would live there and the community. However, he said in the last two years they have exhausted what they could come up with, having worked with both the retired and current County P.E. He said the current idea is to still provide six living units, all of which will be built to universal design principles, or what they used to call handicap accessible. Because the County shows very little pathway for how to put septic systems in with a housing cluster, the goal is to move forward and provide housing for people having issues finding houses that suit their needs, including downsizing seniors. The basic concept is that each parcel will meet the zoning code and septic system requirements. He said they will have more formal drawings soon.

Bruce Richards asked if the buildings would be site-built or pre-manufactured. Mr. McLaughlin said he is working with American Homes to pre-construct them, and he will do porches and some exterior work himself. His goal is to have Plot A and Plot B in this year and Plot C next year. He said they have carried the property for almost three years now and added that the housing they want to provide is not currently readily available.

Acting Chair Jody Scriber said she is totally in support of universal design housing being built, and there is definitely a need. Scriber asked about green space, and Mr. McLaughlin said that they could not preserve the pavilion and outhouse without coming at the project completely differently. If it were approved as a cluster development, it would be possible. He said he has shown the County systems that are working elsewhere in the northeast, but they are unwilling to be the first county in New York State to approve something that somebody else has not already approved.

Joel Gagnon said the constraint for clustering six units for sale was coming up with a septic system that would work, but it is not that hard if they will be rental units, although they then could not be sold subsequently. He added that the Town is working on investigating and enabling joint septic systems in small clusters through a County grant. Mr. McLaughlin said the County has said that if every house has its own septic tank but shares a large septic field, they do not want to approve it because they do not want the units sold separately. He said this is because the County is concerned about maintenance under joint ownership and that the County has run into problems before. He said part of his original goal was that people would be able to buy and own a unit, say if they were downsizing baby boomers. He said the Town could do a sewer district and tax those residents so there would be funds to maintain that system, but his proposal is almost too small. Gagnon said he would like to see that happen; the Town is moving in the direction of enabling that, but they are not there yet. Mr. McLaughlin said he could do a transportation corporation, but then Danby would have to guarantee that if the system ever failed the Town would take it over. He said this is a long-term investment, but ultimately he has to consider his options for liquidating and moving on—selling six individual homes all together because the County won't let them go another way would mean finding a buyer who has sufficient funds.

Gagnon said the grant will help in the future, but the issue is what can be done in the meantime as the applicant has already been waiting three years. He said Mr. McLaughlin could consider the gamble that if he treated the site as one unit and put in a cluster with a joint system, it would allow for the subsequent subdivision and sale of individual units even though the Health Department does not allow for that now. He thought the Town would support taking the system over and making it public. Mr. McLaughlin said that would start with Planning Board approval of a cluster development. He said the carry cost is not terrible, but it is not nothing, and he noted they maintain the site.

Scott Davis said one concern he had is if they are targeting seniors and mobile people with handicaps, it seemed crucial to have garages; he wondered about snow and ice maintenance. Mr. McLaughlin said it is very tight spacing with the setbacks, so there is very little room to build garages. He added that he has to consider what the market will bear such that the houses will still be profitable investments. He noted that most people would probably not have endured the headaches he has for the potential return, but he said he sees the return as being more than just money in this case. He described the drawing and showed that it would not be very far that people would be moving from their car to the ramped entries. He explained he needs to leave space for each septic system and a back-up system and showed how cluttered the space gets on the site map. Scriber asked whether someone would be taking care of the plowing and lot maintenance if they were rental properties, and Mr. McLaughlin answered that for duplexes he usually takes on the responsibilities of mowing, sidewalks, eaves, etc.

Planner Haremza clarified that the areas shown on the drawing were building envelopes showing where on the parcel structures could be. He also said garages are accessory structures so do not need to meet the same setbacks as the principal structure. However, he added that this is a subdivision proposal and the presence or lack of garages is not relevant. Davis said if the rationale for the proposal is a targeted group, it seemed relevant, and Haremza clarified it is not as

far as the Town code goes. Davis asked if someone not in the targeted group would be allowed to rent, and Mr. McLaughlin responded that he would rent to others as needed.

Acting Chair Scriber said her career has been working with individuals who have disabilities. She said finding housing that has what is proposed within the house is incredibly difficult. While she agreed that having a garage would help and be nice, she thought having housing like this was needed with or without a garage. She asked, if it cannot be clustered, would they not have anything? Gagnon said no action is not an option, but whether it is clustered is up for discussion.

Planner Haremza said he thought the Town was facing diminishing returns with clustering because it is only a two-acre parcel. Would there be any useable, public, open space left over? If the Town was choosing public parkland from scratch, would this be the place to do it? Gagnon said it is the spot people have been using for a long time. He said the concept was the upper portion where the pavilion is would be a recreational resource shared with the residents of the subdivision, and the leach field would be deeded to the Town and become the Town's responsibility to maintain, allowing the parcel to retain the use it has had in recent years. He said the location is pretty good in terms of serving the hamlet. Gagnon said the question is if something could be put in place that would be acceptable to the Health Department. He said that to build hamlet density it is critical to have some provision for joint systems to enable small lots and clustering. He felt the community was committed to getting there, but the how has not been worked out yet. He reiterated the possibility of the applicant taking a gamble or calculated risk that it could be developed (as a cluster) with an eye to subdivide later.

Mr. McLaughlin said Gagnon has a ton of experience, he listens to what he has to say with respect, and he felt their vision was very close. But he felt he had tried everything with the County to make it work. He said he wants to be able to sell the units if he ever needs to. He was worried about the gamble because of the possibility of being disappointed in two years if he had to count on the Town taking over the septic system then. He added that he wants to bring the units to fruition.

Gagnon said there are two issues: what are acceptable systems and the thorny issue of joint ownership if not taken over by a town. Mr. McLaughlin agreed that rentals are a lot easier to accomplish than individual homes that you can sell. Davis said it seemed the applicant did not want to take a gamble on the cluster, and Mr. McLaughlin said he did not know that he would be against it. He said there are some cost savings to putting in one big (septic) field as opposed to three small ones. He talked through how leaving some area available for Town/public use might work and said he would be willing to entertain it.

Planner Haremza said that to move forward Mr. McLaughlin needed a more formal drawing, and he was not clear the Board wanted to mandate a cluster. Gagnon said he would reach out to the Health Department and have a discussion with them. Scriber said the timeline could be an issue even if the Health Department says they will consider something. Planner Haremza suggested sketching out a cluster concept and reaching out to the County to get their thoughts. Mr. McLaughlin said that for more than four bedrooms, he thought the County would ask him to hire an engineer, which could be money wasted if the County then does not like the idea.

Haremza said this is an example of how the deck is stacked against the kind of in-fill development the Town would like to see. Scriber reiterated that the County needs more universal design housing. It was agreed that Haremza and Mr. McLaughlin would be in touch to move forward.

(7) PLANNING GROUP UPDATE

Public Outreach working group

Planner Haremza said there was nothing to report on this group.

Hamlet working group

Planner Haremza reported that, regarding the grant (on municipal housing affordability), the request for qualifications (RFQ) had been posted. They got a response from a qualified firm, and he would be interviewing them the next day. He said that he felt various aspects at the County level were not on the same page, specifically County Planning and the Health Department in terms of hamlet intensification and in-fill development.

Conservation working group

Planner Haremza said the plan developed by this group is to augment existing Town regulations. Specifically, he is drafting a proposal to mimic the aquifer high vulnerability (AHV) overlay district with riparian, wetland, and flood-prone area protections that would function similarly to protect sensitive areas from development. They also plan to propose enhancing the existing groundwater protection portion of the Zoning Ordinance.

Tax policy working group

Planner Haremza said Jim Rundle, Bruce Richards, and Scott Davis have provided comments. Richards said he thought the Board should come to a meeting of the minds amongst themselves and then send the proposal along to the Town Board. He felt it had already come from the tax policy working group and was unsure what further back and forth with the Planning Group would accomplish. Scriber said it would be helpful to have all the comments and input together in one place. It was agreed Planner Haremza would compile Rundle, Richards, and Davis' thoughts and redistribute them. Ted Crane (Chair of the tax policy working group) said he, too, would like to see these comments.

Gagnon pointed out that the plan at the previous meeting was to share information well in advance of this meeting so the discussion could move forward. He said timely input from the Planning Board could not be taking longer than it took to generate the proposal in the first place. However, Gagnon added that he did not think the Town was missing the opportunity to pursue the proposal this year as he thought it made sense to work with the incoming people at the State level. Scriber said this had been brought up previously and may not have produced a sense of urgency; she apologized for the Board not jumping on it. Crane felt the groundwork could still be laid now.

Scriber shared that she felt five years was not long enough (for a conservation easement). Gagnon asked if the Planning Board had seen the CAC's comments on the proposal as they shared that concern.

He said the CAC also did not like the public access provision but otherwise supported the proposal. Sarah Schnabel (Town Board member) asked whether the CAC was opposed to 5 and 15 years, and Crane said he believed there was a term that was 5 to 15 years. Crane noted the working group wanted to deviate as little as possible from other authorizations the legislature has granted and skipping the 5-year term does get it closer to the original template legislation.

Richards said he thought they were in support of the tax proposal, but there were certain provisions they would like to quibble about. He thought the Planning Board had evolved their thinking on the proposal so they could state that and then the Town Board could take that under advisement when they make their final decision.

Elana Maragni said she agreed with Richards and the CAC that five years was too short, and she would like to see a longer-term commitment. She said she was unsure about the process, which might be a question on many people's minds in terms of when and how edits happen.

Davis said he saw good arguments all over the place and would defer to everybody's judgement.

Ed Bergman said he had some opinions but thought it best to table the issue until the following month and review the information that was already out there. Scriber said that was her feeling as well.

Gagnon said the Town Board will take up the original proposal and take into consideration the CAC's thoughts and the Planning Board's thoughts, whether they want to act as a board or as individuals. Scriber thought suggestions as the Planning Board would have more strength than individual pieces of input. Scriber asked Board members to commit to reading what Haremza sends out and commit yay or nay or I still have a question.

(8) REQUEST BY TOWN BOARD FOR ZONING ORDINANCE REVISIONS

The item to consider was, "Establish committee to review site plan Require site plan review for all agro-business development if there will be activity that will attract customers/public and employees such as tasting rooms and processing facilities to ensure access/traffic/other non-agricultural impacts are adequately addressed."

A committee was formed, consisting of Elana Maragni and Bruce Richards of the Planning Board and Leslie Connors of the Town Board.

(9) CONSIDERATION OF PRELIMINARY SITE PLAN REVIEW FOR RECENTLY APPROVED EAST MILLER ROAD PROPERTY

Planner Haremza reminded the Board that when they approved this subdivision, they included the condition that it go through site plan review for the construction of a single-family home. He said the potential buyer is uncomfortable with the unknown, so they want to move forward with a preliminary site plan.

10) PLANNER'S REPORT

Planner Haremza reported the following:

- There was no update regarding Beardsley Lane drainage.
- The municipal housing affordability grant update was already covered under the Hamlet working group update.
- Regarding the Howland Rd. hemp operation, the Board was provided the notice of violation he had issued. A line of communication has been established, and he is now in conversation with the property owners' attorney. In response to a question from Richards, Haremza said he did not believe the notice of violation was confidential as it is a public document.
- In terms of switching mailed notifications from letters to postcards, Haremza said he had yet to create a mockup, but it is an effort to save money for the Town. Gagnon said a postcard may stand out more. Haremza said the Town of Rochester used fluorescent-colored cardstock, and Scriber agreed that if it was jazzed up it would be more likely to stand out. Maragni said via "Chat" that when she lived in the Town of Dryden, they sent bright green postcards, which was noticeable and helpful. Gagnon added that he likes the idea of signage for more actions than just subdivision review; Haremza concurred.

(11) 31 COMFORT RD. REZONING DISCUSSION

Planner Haremza said he had not heard any opposition to rezoning the two small parcels when he brought it up at the beginning of the meeting. There was a brief discussion as to if anyone knew why they were zoned thusly or how the landlocked parcel came about; it did not seem anyone did. Haremza said he would prepare a resolution recommending to the Town Board to rezone the two parcels for the Planning Board to vote on the following month. Richards asked about asking the owner to combine the parcels, and Haremza said that could be a recommendation. Scriber said Haremza could at least ask the owner if there is any reason not to combine. Gagnon mentioned that the Town has dealt with combining for tax purposes two ways—in some instances properties combined for tax purposes exist separately for every other purpose, and then you can uncombine them, and in other cases they are treated as combined legally in every respect and therefore need subdivision approval to re-subdivide. He said the Town Ordinance has no provision for combining lots.

(12) ADJOURNMENT

The meeting was adjourned at 9:08pm (moved by Bergman, seconded by Davis).

Alyssa de Villiers – Recording Secretary