

**Danby Planning Board  
Minutes of Regular Meeting  
May 15, 2014**

**DRAFT**

**Present:**

Joel Gagnon  
Anne Klingensmith  
Frank Kruppa  
Ted Melchen  
Jim Rundle  
Steve Selin  
Naomi Strichartz

**Others Present:**

Acting Secretary	Pamela Goddard
Code Officer	Sue Beeners
Town Board	Leslie Connors
Public	Charles Robinson, Patty Jordan, Timothy Barnhart, David Cady, Bill Kuhns, Nancy Kotmel, Vince Kotmel, Edward Shay

**The Regular Meeting was opened at 7:03pm**

**Privilege of the Floor**

Vince Kotmel (1763 Danby Road) presented a letter to the Planning Board and spoke in adamant opposition to the proposed automotive shop for 1753 Danby Road. The Kotmels have several concerns about the proposal, including health hazards associated with chemical exposure from accidental spills and airborne particles, noise pollution, increased traffic, a decrease in their property value, fire hazards from oily rags, gasoline, etc., hazardous waste disposal of these materials, cleaning solvents, etc., water contamination, and a change to the neighborhood dynamic.

Edward Shay (1765 Danby Road) spoke in support of Kotmel's concerns. He spoke about the care and attention the Kotmels give to their property and concerns about the appearance of the proposed business.

**Approval of Minutes**

There was a discussion of changes proposed by Joel Gagnon for the April 17 minutes. One sentence in the section on "McLean Masonry Building Replacement" will be changed to read, "It is desirable to keep the existing slab because the site is wet and this contributes to the stability of the site." This change will be made in the approved minutes.

**RESOLUTION NO. 26 OF 2014 - APPROVE MINUTES**

**Resolved**, that the Town of Danby Planning Board approves the minutes of April 17, 2014 as amended.

**Moved by Gagnon, Second by Klingensmith. The motion passed.**

**In Favor: Gagnon, Klingensmith, Melchen, Strichartz, Kruppa**

**Abstain: Rundle, Selin**

**Proposed Automotive Repair Shop, 1753 Danby Road, Commercial Zone “C”, William E. Kuhns, III, Owner/Applicant – Review proposal, consider scheduling public hearing**

There was continued discussion/proposal review. PB Chair Kruppa gave a synopsis of the proposal and acknowledged the receipt of correspondence from the Kotmel neighbors. He also noted sections in the zoning ordinance related to this special permit request.

Applicants Kuhns and Cady submitted a short sketch plan for a proposed two-car automotive repair shop adjacent to the residential property of 1753 Danby Road. The plan included the type of work to be conducted, the basic layout of the garage, and preliminary details regarding disposal of waste and related fluids.

Anne Klingensmith expressed thoughts and concerns related to fluids storage and disposal, particularly in relation to the draft Aquifer Protection Ordinance currently under review by the Town Board. She suggested that there be a “second line of defense” in case of leakage. She expressed her thoughts that several issues need to be considered, as directed by “Section 901 - Considerations required for all Special Permits,” particularly the first two considerations related to detriments to public health and whether the use would be injurious to the use and enjoyment of other property in the vicinity. She would like to see a detailed plan for how the related aquifer will be protected.

Joel Gagnon expressed concerns about compatibility of the proposed garage with neighboring structures. He suggested screening, ways to minimize the visibility of parking from the road, and consideration of the nature of the building in relation to the adjacent building. Ted Melchen also encouraged some screening, e.g. plantings or fencing, to reduce the visual and sound impact of the business on the neighbors.

Frank Kruppa asked what DEC requirements the applicants have researched. The applicants noted strict requirements which must be met for a NYS registered shop. The shop would be regulated and regularly inspected by the state. Gagnon suggested that policies and procedures be written and in place, in case the business should be sold to a different party.

Naomi Strichartz expressed concern that the business, by its nature, would be injurious to the quality of life of the neighbors. She also questioned whether a second automotive shop was a good idea, given the relative proximity of Lane’s Automotive. Strichartz also raised the issue that while the side of Danby Road in question is zoned “Commercial C,” the other side of Danby Road is zoned high density residential. She asked the Planning Board to consider the impacts this proposal might have on the residential side of the road.

Beeners indicated that the other side of Danby Road is zoned Commercial B. The commercial zone from Hornbrook Road to Dobson’s complex may have been zoned Commercial C circa 1992 at a time when the property owners in that section wanted the maximum flexibility of use.

In relation to a question on impact on property values, the applicants informed the Board that the Audrey Edelman Realtors were of the opinion that this would not reduce property values for adjacent owners. They presented a set of petition papers from more than 20 neighboring residents in support of their proposal. Kuhns also made the case that, as he lives in the house on the property proposed for the garage, he fully intends to keep the garage in an attractive manner and to protect his well from contaminants. It is his hope that this business will help attract other businesses to the hamlet, including a cafe or store.

Kruppa noted that, as there is already an auto repair shop in the area, this is a use which has already been approved for this area of Danby. He would like to see this move ahead, if certain questions and concerns could be addressed. These concerns include: visual screening for neighbors, details of service parking, detailed hours of operation, mitigations for odors and sound, appearance of the building, the location of the dumpster and fenced area to the south, and more information regarding NYS regulations for environmental safety.

The Board also asked the applicants to consider a plan should the property and business be sold in the future. Following some discussion it was understood that this business would need to be sold in conjunction with the residence due to frontage restrictions. A detailed plan for all of these concerns should be submitted to the Planning Board at least two weeks prior to the next meeting/hearing.

There was a discussion of the process and the time frame for setting a public hearing. The applicants were concerned about delays, as there are additional permits they need to arrange, after a special permit is granted. The PB cautioned the applicants that, should substantive changes to the plan be needed following a public hearing at the next PB meeting, an additional hearing might be necessary. The applicants were willing to take that risk, and believed that they could address the concerns as presented between this meeting and the next.

#### **RESOLUTION NO. 27 OF 2014 - SET PUBLIC HEARING**

Resolved, that the Town of Danby Planning Board sets a Public Hearing to consider Granting a Special Permit to William E. Kuhns, III for a proposed Automotive Repair Shop, 1753 Danby Road, Commercial Zone "C", Tax Parcel 7.-1-93. William E. Kuhns, III, Owner/Applicant, to be held at 7pm on June 19, 2014.

**Moved by Gagnon, Second by Selin. The motion passed.**

**In Favor: Gagnon, Klingensmith, Melchen, Rundle, Selin, Strichartz, Kruppa**

#### **Planning Board Secretary**

Kruppa introduced Patty Jordan. Jordan was interviewed by a subcommittee of the PB on May 8. The committee recommends that she be appointed to the position. Kruppa will work with Jordan to help bring her into the work flow.

#### **RESOLUTION NO. 28 OF 2014 - APPOINT RECORDING SECRETARY**

**Resolved**, that the Town of Danby Planning Board appoints Patricia Jordan as its Recording Secretary, effective June 2014.

**Moved by Strichartz, Second by Melchen. The motion passed.**

**In Favor: Gagnon, Klingensmith, Melchen, Rundle, Selin, Strichartz, Kruppa**

#### **Town Board Report**

Connors and the Planning Board discussed local training interests and options. There is interest in more training related to site plan review and zoning review. A suggestion was made to have a representative from County Planning meet with the Danby PB to review Danby Zoning. Beeners offered to give a quick review of Town zoning. The Board preferred to have a first review and information from someone not connected to the Town, to be followed by more specifics from the Code Office. This was agreeable to Beeners. There was an additional suggestion that zoning review/training be undertaken in conjunction with the review and revisions to the Comprehensive Plan. This training should be dynamic and specific. Connors will research zoning training options. No final decisions or plan was made.

#### **Zoning Office Report**

Beeners made a short report about various projects of interest to the PB. She informed the Board about Conservation Easements under consideration as part of the Marsh Road reclassification request. The CAC has met with Melchen and Palmer regarding potential easements. The West Danby Water District water tank replacement bid has been awarded and work will proceed. Kira Sorensen is helping the Code Office with GIS mapping, organizing data for ease of use.

## **Comprehensive Plan Work Session**

Kruppa distributed two documents, a Comprehensive Plan Process Status report and Timeline, as prepared by Rebecca Brenner on 4/17/14. The Board discussed these documents at length. Part of this discussion was “ground rules” for the process from this point on. Kruppa strongly suggested that this needs to be a Planning Board activity, not an open forum at each meeting, with input from members of the Town Board and office staff as invited by the PB. There was agreement to this proposal.

The Planning Board discussed how to proceed with individual member review and reporting of each section of the Comprehensive Plan. Each Board member will be working on drafting Goals, Objectives, and Strategies for the section they are reviewing/revising. There was discussion regarding the joint process of the Town and Planning Board following PB drafting of the document. The final draft/decision on the Plan rests with the Town Board. The PB believes that it can compress some of the timeline related to full Board review of the sections. This potentially could be done over three or four months.

There was an extensive discussion of how to generate public interest and participation in this process. There was a suggestion to report on the process through the Danby Area News. This suggestion was supported and a plan was drafted. Each article will briefly outline the goals, objectives, and strategies for sections of the Comprehensive Plan, with a brief introduction of what the Comprehensive Plan is and why its important. Kruppa will draft an introductory article for this series.

Klingensmith and Gagnon will present Goals, Objectives, and Strategies for three sections - Housing, Transportation, and Natural Resources - for PB feedback at the June 19 meeting. Immediately following that review, a short article on these sections will be prepared for publication in the DAN. The Board will attempt to have the next three sections at the July meeting.

## **Adjournment**

The meeting was adjourned at 8:33pm.

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Pamela Goddard, Interim Planning Board Secretary