

**Town of Danby Planning Board
Minutes of Regular Meeting
July 17, 2014**

DRAFT

Present:

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

Absent:

Steve Selin

Others Present:

Secretary	Patty Jordan
Code Officer	Sue Beeners
Town Board	Leslie Connors
Public	Bill Kuhns

The Meeting was opened at 7:05pm

Privilege of the Floor

No comments were made.

Additions to the Agenda

A discussion of the upcoming Email training session was added under member items. Klingensmith and Gagnon both had proposals they would like to discuss. Rundle requested an executive session.

Approval of Minutes

RESOLUTION NO. 36 OF 2014 - APPROVE MINUTES

Resolved, that the Town of Danby Planning Board approves the minutes of June 19, 2014 and July 2, 2014.

Moved by Gagnon, Second by Rundle. The motion passed.

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

There was discussion of motions vs. resolutions. Gagnon said that resolutions should be reserved for more “weighty” matters than procedural things. A resolution is used when the wording of what the Board is voting on is important and needs to be recorded. It was suggested that it might be beneficial to see if there is a rule in Town law regarding what defines a resolution. Kruppa indicated that he would look into it. No decisions were made as to what should be recorded as a motion and what should be recorded as a resolution.

**Report by Chairperson on the results of voting at the July 2, 2014 Special Meeting:
Application for Special Permit by William E. Kuhns, III for a proposed Automotive Repair Shop, 1753 Danby Road, Commercial Zone “C”, Tax Parcel 7.-1-93.**

Kruppa indicated that there had been a misinterpretation of the results of the voting at the Special Meeting on July 2. The resolution to grant a special permit to Kuhns received a tie vote, which meant that the resolution failed. The default position for the application is that it is denied unless the Board affirmatively approves it. Given that the voting of the Board did not result in approval, the application is deemed denied.

Kruppa also noted that it would have taken a “supermajority” (at least 5 members voting yes), in order to approve the Special Permit. Section 904(4) of the Zoning Ordinance states that “In case of a protest against the proposed facility or activity signed by owners of twenty percent or more of the area of the land within 100 feet of the lot on which the proposed facility or activity is to be located, a Special Permit may not be issued by the Planning Board except by a favorable vote of five members of the Planning Board.” Beeners confirmed that the frontage of the two properties in opposition (Kotmel and Shay) totals 1048 ft which is slightly over 20% (991 ft) of the total boundary perimeter of the 18-acre Kuhns parcel (4953 ft total) and thus it would have required five yes votes in order to approve the Special Permit.

Kruppa signed the letter dated July 17, 2014 that informed Kuhns of the decision to deny and gave it to Kuhns along with a copy of Section 907 – APPEAL OF PLANNING BOARD DECISION from the Town of Danby Zoning Ordinance.

RESOLUTION NO. 37 OF 2014 - ENTER CLOSED, EXECUTIVE SESSION

Resolved, that the Town of Danby Planning Board entered closed, executive session to further discuss the attorney-client communications from Guy K. Krogh, Town of Danby Attorney, regarding a pending legal matter.

Moved by Rundle, Second by Klingensmith. The motion passed.

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

RESOLUTION NO. 38 OF 2014 - CLOSE EXECUTIVE SESSION

Resolved, that the Town of Danby Planning Board closed executive session.

Moved by Gagnon, Second by Kruppa. The motion passed.

Approved: By Acclamation

Member Item – NYS DOT Correspondence

Kruppa read aloud a letter he received from the NYS Department of Transportation dated June 25, 2014 regarding the request for a lower speed limit on Route 34/96 (Spencer Road) in the area of the West Danby Hamlet. The letter stated that the State has determined that a reduction of the current 55 MPH speed limit would not be appropriate at this time.

Member Item – Communication between PB and Code Enforcement Office

Klingensmith passed around a “draft of an idea” that she had for changing the communication and interaction between the Planning Board and the Code Enforcement Office. She would like a report of all permits granted “by right” as well as any preliminary inquiries that the Code Enforcement Office receives. Beeners indicated that this could be done only to the extent to which the disclosure of projects is not an invasion of privacy. Until an application is submitted, it’s confidential. Nothing is public knowledge until it is in the hands of the Planning Board. Klingensmith said she would prefer knowing about an application that is coming up before the PB as soon as it is complete rather than waiting for the full packet to arrive in the mail. Basically she would like more information, sooner. Beeners said that on an experimental basis she could have a progress report sent from her office to the PB that would briefly describe the permits granted by right, land division permits, and pending PB business for the first half of each month. Beeners also agreed to Email the monthly reports produced by her office to the PB members. She will also encourage applicants to submit preliminary sketches to the PB when appropriate which would allow PB members more time to consider a project before the formal application process begins.

Member Item – Zoning Changes

Gagnon indicated that he had talked to Ric Dietrich (Town Supervisor) and Leslie Connors (Town Board Member) about the frustration with the disparity between the zoning ordinance and the Comprehensive Plan. He said that Dietrich suggested brainstorming ideas for changes to the ordinance, whether in a joint session of the PB and TB or not, and that it made sense to do so sooner rather than later. Klingensmith felt that the PB should come up with a “lean and mean” list of changes and submit it to the Town Board. She felt that even if the TB didn’t agree with all of the changes, there may be some on the list that the PB and TB could agree should be changed. Melchen suggested the PB compare their sections of the Comp Plan to the zoning to see if there is anything that should be changed. It was agreed that PB members would come to the next meeting with a list of zoning changes that they would like to see. They will then narrow it down to a few top priority zoning change recommendations to forward to the TB. Beeners suggested that one of the changes be modifying the size and frequency of land division by permit.

Member Item – Email Training Session

Kruppa reminded the PB members of the Email training session to be held on Monday, July 21. There was discussion of why a dedicated municipal Email address should be used for PB business. Kruppa will attend this training session and report back to the PB.

Zoning Office Report

Beeners said that the Code Enforcement Office has had a tremendous amount of building activity. The number of Certificates of Occupancy issued in spring 2014 was equivalent to the number from all of last year. Permit fees collected are around \$10,000 and are usually closer to \$3,000 at this time of the year. She feels this is partly attributable to the fact that houses are selling in the Beardsley Lane subdivision. She also described a several-year home energy rating disclosure project that they are working on. The project would score houses on their energy efficiency when they are offered for sale. A good score or rating would provide useful information for potential buyers. There was some question as to why this score or rating would provide different information than what a potential buyer could get from the utility bills. Gagnon said that different families would use utilities in a home in different ways which would result in higher utility costs for some families than for others in the same house. The rating system would be a score for energy efficiency of the house.

Comprehensive Plan Working Session

Klingensmith passed around her draft of the Natural Resources section and asked if the PB had any objections to her deleting the parts that she had grayed out. There was no objection to her doing so and it was mentioned that the section may be more meaningful if it is focused and shorter. She also indicated that she had expanded the definition of natural resources to include clean water, clean air, quietude, and nighttime darkness. Gagnon thought that the expanded definition could lead to more objectives and their associated strategies. He also gave some written comments to Klingensmith. There was some discussion of adding information about invasive species. Klingensmith felt that it should be stressed that developers work with the CAC and there was discussion of how best to include this. She will continue to revise the Natural Resources section.

Gagnon passed around his revised version of the Transportation section. He had added a recommendation for a “gateway” treatment which he described as an entry point into Danby that shows you are now entering the Hamlet. He said that the fact that Rte. 96B is a State highway is an obstacle but it’s not insurmountable when it comes to requesting it be made safer for bikes and pedestrians and to create a sense of place. He suggested that the PB have an existing plan of suggested road enhancements and safety measures so that it can be presented when there are announcements that road work is going to be done. Klingensmith said that some of the information is “pie in the sky” but that does not mean it shouldn’t be included in the Comp Plan. Strichartz suggested that leaving some roads unpaved is something that residents want and should be included. Beeners suggested that Gagnon have

Fernando DeAragon (Director, Ithaca-Tompkins Transportation Council) and Kathy Halton (Tompkins County Area Transit/TCAT Citizens Advisory Committee) read through the Transportation section.

Kruppa agreed to look at the Economics section but he would not have it ready for the August meeting.

Gagnon agreed to present the Housing section next month. Rundle and Strichartz said that they would have a preliminary version of the Agriculture section for next month as well.

Adjournment

The meeting was adjourned at 8:56pm.

Patty Jordan, Planning Board Recording Secretary