

**Town of Danby Planning Board
Minutes of Regular Meeting
January 15, 2015
DRAFT**

Present:

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

Absent:

Steve Selin

Others Present:

Acting Secretary	Pamela Goddard
Town Board	Leslie Connors
Public	Silas Conroy, David Hall, Pat Woodworth, Charles Tilton

Privilege of the Floor

Pat Woodworth suggested changes to the December 18 and January 5 minutes. Woodworth recommended that the names of Woodworth and Tilton be removed from a list of people in the public hearing section of the December 18 minutes, as they did not make the statements recorded there. In the January 5 minutes, she asked that her name be added to that of Strichartz as she also made the same comment.

Woodworth made comments regarding a proposed change in uses for the Gunderman Road Planned Development Zone #10. She expressed concerns about traffic and the condition of the road. Woodworth stated that sections of Gunderman Road are not well maintained and erode quickly. She believes that the road is dangerous, due to the road conditions combined with a 55mph speed limit. Woodworth is concerned about an increase in car and truck traffic. She supported edits proposed by Code Officer Beeners to a proposed local law making amendments to the PD #10, as these go in the direction of her concerns.

David Hall responded to concern about truck traffic. He stated that five tractor trailers/commercial vehicles with three axles, would be the maximum, and anticipated that it would be less.

Approval of Minutes

The Board accepted the suggested amendments.

MOTION - APPROVE MINUTES

Resolved, that the Town of Danby Planning Board approves the minutes of December 18, 2014 and January 5, 2015, as amended.

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

In Favor: Gagnon, Rundle, Strichartz, Kruppa.

Abstain: Klingensmith, Melchen.

Set Meeting Dates

The Board agreed to keep the same schedule, meeting on the third Thursday of each month, for the year 2015.

Member Items

Joel Gagnon reported on the most recent meeting and progress on the draft Aquifer Protection Ordinance. Gagnon reported that the ordinance is close to a final draft and should come to the Planning Board for review soon. There was some discussion about the format of the draft ordinance and whether some data (such as definitions) could be included as appendices. There was some discussion of the process for enacting an ordinance.

There was a discussion of the status of a proposed well-water survey. The survey has been designed and information about this will be included in the February Danby Area News, on the Town web site, and in the Town Hall offices. Information about individual property wells will be important for reports from the New York Rural Water Association and for future SEQR reviews.

Gunderman Road PD #10 Proposal

The Board reviewed comments and proposed changes to a draft local law making changes to allowed uses in PD#10 on Gunderman Road. Gagnon reported a discussion with Sue Beeners regarding definitions of "Light Industrial" uses. The opinion of the Code Officer and Town Attorney is that such uses need special permit review by the Planning Board.

Hall asserted that the intended "business incubator" was too dynamic and short term a process to go through special permit review for each "light industrial use." Gagnon clarified the special permit process for the applicant, advising him that special permit review is intended to avert problems before they happen. Strichartz strongly supported maintaining the existing special permit process for these uses.

There was extensive discussion of light industrial uses vs. agricultural processing (such as food preparation). Members of the Board expressed a need for some specificity in allowed uses, rather than less defined terms such as "business incubator." Such specificity was seen as important for controls related to a Planned Development Zone in the long term.

There was a related discussion of water use at this location. Strichartz noted that there is a known problem with water resources at this location. There was a discussion regarding whether testing or assessment needs to be done for projected business or operational business, threshold levels for on-site supply (when off-site water will need to be brought in), groundwater and/or rainwater capture, and whether the threshold is per daily use or an average over some amount of time. There was some discussion of the feasibility of measuring water use on a daily basis. Strichartz expressed a concern about the potential impacts of three water consuming businesses in a location where there are already water shortages.

There was a discussion of permitted "clinics" and how to define such clinics. Hall stated that the intention is for medical clinics. The Board agreed to add "medical" clinic. There was some discussion of whether certain types of medical clinics could be excluded. Kruppa advised that this would be inappropriate from a community health standpoint.

The Board discussed further definitions or restrictions to materials in warehouse storage. Kruppa advised that hazardous materials are already regulated. No further definitions or restrictions were added.

The Board discussed proposed auction uses and control of outside noise. Strichartz expressed concern about amplified sound, additional traffic, and other impacts from outside auctions. Hall noted that there is a cap of 100 people and a limit to the number of auctions to be held outside. Strichartz expressed the view that unless sound is confined to the property it is an intrusion on the neighborhood. Hall did not think that undertaking a special permit process for each auction was feasible. He

suggested that a “no amplification audible on neighboring properties” clause be added to the outside auction parameter. The Board agreed to do so.

There was some discussion of traffic impacts and the road condition of Gunderman Road. While there was concern about road conditions, the Board did not believe that it has authority to restrict traffic on a County road.

The Board discussed whether “business incubator” could be more closely defined. Code Officer Beeners had expressed the view that, in general, “business incubators” would either be consistent with administrative offices, or would be light industrial. Members of the PB agreed with Beeners’ assessment and further thought that the term “business incubator” is too vague and could be dropped.

There was a related discussion of short term leases and special permits (3e). Hall thought that the need to notify code about short term tenants was impractical. Hall suggested that the new tenancies which last 12 months or more be reported to the Code Office. He thought that notification of short term tenancies would be “tedious.” Gagnon noted that this is simply a matter of notification of who is using the facility, and not a matter of approval. The Board suggested notification of new tenancies of more than 90 days, reported at the beginning of the lease, and added that language.

Gagnon reported that Code Officer Beeners suggested that the PB rescind the January 5 vote on its recommendation to the Town Board. The PB did not have a proper quorum for that vote. In addition, Selin had a conflict of interest in the matter. Kruppa supported the motion to rescind the January 5 vote, so that a new vote will be clear.

MOTION - RESCIND VOTE

Moved that the Town of Danby Planning Board rescinds Resolution #3 of 2015 as voted on January 5, 2015.

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

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

RESOLUTION NO. 3 OF 2015 – 279-303 GUNDERMAN ROAD – CONSIDER RECOMMENDATION TO TOWN BOARD WITH RESPECT TO PROPOSED CHANGE IN PERMITTED USES, PLANNED DEVELOPMENT ZONE 10

Whereas, this action is to consider a Recommendation to the Town Board with respect to the proposed change in permitted uses in Planned Development Zone 10, which encompasses 9.22 +/- acres of Tax Parcel 9.-1-9.12, 279-303 Gunderman Road, with the remaining parcel zoned Low Density Residential. JLF Holdings, LLC/David Hall, owner/applicant; and

Whereas, this is a Type I action for which the Town Board of the Town of Danby is Lead Agency in environmental review, and the Planning Board is an involved agency; along with the Tompkins County Dept. of Planning pursuant to General Municipal Law 239-l and -m; and

Whereas, the Planning Board has on December 18, 2014 held a public hearing on this matter; **Now, Therefore, it is**

Resolved, that the Planning Board recommends that the Town Board adopt a local law amending Local Law No. 1 of 1997, “A Local Law Amending the Town of Danby Zoning Ordinance Related to Boundaries and Permitted Uses of Planned Development Zone 10 and Adjoining Lands,” which Local Law No. 1 of 1997 includes the general site plans for the Zone which remain unchanged, and it is

Further Recommended that said amending local law read as follows:

(Proposed Town of Danby Local Law No. __ of 2015)
A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1997 RELATED TO
PERMITTED USES IN PLANNED DEVELOPMENT ZONE 10
AND ADJOINING LANDS

Be it enacted by the Town Board of the Town of Danby as follows:

Section 1.

Local Law No. 1 of 1997, "A Local Law Amending the Town of Danby Zoning Ordinance Related to Boundaries and Permitted Uses of Planned Development Zone 10 and Adjoining Lands," is hereby amended as follows:

Subsection 3(a) and 3(b) are deleted in its entirety and is replaced by a new subsection 3 reading as follows:

3(a) "Unless otherwise prohibited by this Local Law, any permitted principal or accessory use permitted in a Low Density Residential Zone is also permitted in Planned Development Zone 10. Any use permitted upon approval of a Special Permit in a Low Density Residential Zone is also permitted upon approval of a Special Permit in Planned Development Zone 10.

"The "Barn" (being 303 Gunderman Road) may also be used for the following as permitted principal or accessory uses:

Administrative, clerical, and professional offices

Medical clinics

Warehouse, storage

Food/beverage processing and manufacturing but not to include commercial on-premises consumption

Auction facility located inside or outside a building on the premises; auctions with over 30 attendees may be held only once in a 3 week period; auctions shall not exceed 100 attendees; auction attendees may not park on the road, amplified sound from said auctions shall not be heard on neighboring properties.

Community Supported Agriculture (CSA)

In addition, the "Barn" may be used for the following upon the granting of a Special Permit:

Food preparation with accessory commercial on-premises consumption

Retail sales facility

Light Industry other than the uses specifically listed within this local law

Any subsequent new commercial building or related addition (as generally depicted on the site plans accompanying Local Law 1 of 1997) may also be used for the following upon the granting of a Special Permit:

Administrative, clerical, and professional offices

Medical clinics

Food/beverage manufacturing with or without accessory commercial on-premises consumption

Auction facility located inside or outside a building on the premises

Warehouse, storage

Community Supported Agriculture (CSA)

Retail sales facility

3 (b) Notwithstanding the foregoing, the maximum total proposed or actual water usage from on-site groundwater sources within said "Barn" (including within said total the usage in any subsequent new commercial building or related addition) shall not exceed 750 gallons per day average day demand until and unless an assessment of the potential adverse impacts of the proposed or actual usage on surface water and groundwater resources is conducted for review and approval by the Planning Board. Said review will follow the same procedures and criteria as provided for Special Permits. Said assessment shall occur if and when the proposed or actual water usage meets 750 gallons average based on at least one month's

usage or if a neighbor within 1500 feet develops a problem with their well, consults independently with a qualified well driller or hydrogeologist about such problem and reports such problem to the Town.

Such assessment shall include an analysis of the magnitude and extent of water level draw-down that will result from groundwater withdrawals associated with a projected 1,000 gallons per day average day demand as well as an evaluation of potential impacts of drawdown on groundwater and surface water within a minimum of 1,500 feet of well(s) proposed to supply said water usage in excess of 1,000 gallons per day. The method of analysis shall be approved by the Planning Board, and shall be developed using standard methods; and will include an analysis of potential conditions during normal and drought periods.

In addition to any other considerations or conditions provided in the Zoning Ordinance or in this local law, review and any approval by the Planning Board of the proposed water usage and its assessment must include the following determinations:

The proposed usage will not adversely affect the quality or quantity of off-site water resources including private wells.

There are sufficient water supply resources to meet the short-term and long-term needs of the use.

New Subsections 3(d), 3(e), and 3(f) are inserted, reading as follows:

3 (d) "A meter shall be installed and maintained at the water system within said "Barn" so that water usage in that building can be monitored. The building owner shall submit annually to the Town Code Enforcement Office a log of water usage measurements made at least monthly for such purpose. Additionally, the building owner shall notify the Town Code Enforcement Office immediately upon recorded usage indicating average day use meeting or exceeding 750 gallons a day in the prior month.

3 (e) All new tenancies of more than a projected 90 days shall be reported to the Town Code Enforcement Officer before such tenants occupy the "Barn" and any future addition. Any involved in food preparation, medical clinic, or other use which would typically use more water than typical to office usage shall, prior to occupancy, provide an estimate of average water usage to the Code Enforcement Officer with calculations.

3(f) The following additional limits shall not be exceeded by all operations, in the aggregate, that occupy the facility (being the "Barn" and any future addition):

No more than 50 full-time employees, or equivalent, shall work at the facility.

The main hours of operation shall be limited to 8am until 8pm. Between 8pm and 8am, no more than 5 employees may occupy the facility at the same time.

No more than 5 trips of commercial vehicles with 3 or more axles, to the facility shall occur within any 24-hour period.

All equipment and materials of commerce shall be stored out of the sight of neighbors, except that cars and trucks used as part of a business may be stored outside, and except that materials being auctioned off in an approved outside auction may be stored outside on a short-term basis."

Existing Subsections 3(c) through 3(i) are re-lettered as 3(g) through 3(m) respectively.

Section 2. Partial Invalidity.

If any provision of this local law is found to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provisions of this local law.

Section 3: Effective Date

This local law shall take effect 10 (ten) days after its publication in the official newspaper of the Town or on the date it is filed in the Office of the Secretary of State of the State of New York.

Moved by Strichartz; Second by Klingensmith. The motion passed.

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

Town Board Liaison Report

Connors reported on activities of the Town Board's January 12 meeting including appointments and the incident on Hornbrook Road. Connors suggested that there be an inter-board meeting to discuss work objectives for 2015. Klingensmith asked for a recap of what the Town is doing in relation to the Hornbrook Road incident. Connors reported on a resolution, being drafted, asking for an after action report and independent investigation.

Connors advised the PB that the Board may want to appoint a person to be responsible for additions and changes to the Planning Board page on the Town of Danby web site. Clerk Goddard suggested that Patty Jordan might be an appropriate person, as Planning Board secretary. Kruppa will consult with Jordan about this. There was a related discussion of the use of townofdanby.org email addresses.

Work Objectives

There was a preliminary discussion of work objectives for 2015. Klingensmith suggested that the board read the draft Aquifer Protection Ordinance. The Town Board has asked the PB to review zoning in support of solar installations. The Code Office will collect copies of similar zoning from other towns. And, the PB will continue to work on the Comprehensive Plan revision.

Adjournment

The meeting was adjourned at 8:56pm.

Pamela Goddard, Acting Planning Board Recording Secretary