

**Town of Danby Planning Board  
Minutes of Regular Meeting  
March 19, 2015**

**Present:**

Joel Gagnon  
Frank Kruppa  
Jim Rundle  
Steve Selin (arrived at 7:07)  
Naomi Strichartz

**Absent:**

Anne Klingensmith  
Ted Melchen

**Others Present:**

Secretary      Patty Jordan  
Town Board    Leslie Connors (arrived at 8:30)  
Public          Christy Evaneck, Kelly Evans

**The Public Hearing was opened at 7:05 p.m.**

Public Hearing to Consider a Request for Special Permit for a second, detached dwelling at 275 Hornbrook Road, Tax Parcel 10.-1-83.11, to be granted retroactively for an existing finished apartment constructed above a detached garage. Christine Evaneck, Owner/Applicant.

Evaneck spoke to explain that she was unaware that there was an issue with the existing apartment and has been working with Matt Cooper to make it a legal structure. Kelly Evans, Evaneck's neighbor, spoke in support of the retroactive permit. She said that she is in construction and thinks it is a safe dwelling.

**The Public Hearing was closed at 7:07 p.m.**

**The Regular Meeting was opened at 7:07 p.m.**

**Additions to Agenda**

Revisit the Maratea issue in light of the information from Sue Beeners and the Town Attorney that was included in the mailed packet.

**Approval of Minutes**

**MOTION – Approve January 15, 2015 Minutes as amended at the last meeting; and approve February 19, 2015 Minutes.**

Moved by Gagnon, Second by Selin.  
In Favor: Gagnon, Rundle, Selin, Kruppa.  
Abstain: Strichartz.  
The motion passed.

**Further Consideration of Public Hearing Matter**

Gagnon said that the PB members should do their due diligence and consider Section 901 of the Zoning Ordinance. Jordan read Section 901 and there was general agreement that there were no

issues with the Evanek proposal. The PB agreed that “proposed to be constructed” should be deleted from the first WHEREAS of the resolution. Kruppa read aloud the conditions listed under RESOLVED to be sure that Evanek was aware of them.

**RESOLUTION NO. 4 OF 2015 - CONSIDER GRANTING SPECIAL PERMIT FOR A SECOND, DETACHED DWELLING AT 275 HORN BROOK ROAD**

**WHEREAS**, this action is to Consider Granting a Special Permit for a second, detached dwelling in a preexisting outbuilding at 275 Hornbrook Road, Tax Parcel 10.-1-83.11; Christine Evanek, Owner and Applicant; and

**WHEREAS**, this is a Type II action which requires no further environmental review; and

**WHEREAS**, the Planning Board has reviewed the General Considerations Required for All Special Permits provided in Section 901 of the Town of Danby Zoning Ordinance; and

**WHEREAS**, the Planning Board on March 19, 2015 has held a public hearing on the matter;

**NOW, THEREFORE IT IS**

**RESOLVED**, that the Town of Danby Planning Board grants a Special Permit for a second, detached dwelling in a preexisting outbuilding at 275 Hornbrook Road, Tax Parcel 10.-1-83.11; Christine Evanek, Owner and Applicant, subject to the following conditions:

- A building permit for the dwelling unit shall be applied for from the Town of Danby Code Enforcement Office;
- All work shall be brought into compliance with the Uniform Code in effect as of the date of issuance of the permit;
- No occupancy shall be permitted after March 30<sup>th</sup>, 2015 without receipt of a Certificate of Occupancy from the Town of Danby Code Enforcement Office.

Moved by Strichartz, second by Selin.

In Favor: Gagnon, Rundle, Selin, Strichartz, Kruppa.

The motion passed.

**Revisit Maratea Subdivision**

Kruppa said that this was discussed by the PB at its last meeting but ultimately it has to go to the BZA. Gagnon said he talked to Beeners and she indicated that the Town Attorney thought that the PB was asserting that the Marateas weren't entitled to four lots. Because the Marateas have 20 acres, they could, in theory, have four lots of five acres each. The problem is that they don't have enough road frontage to do even two lots without a variance. Four lots are allowed if the lots conform to the zoning requirements for frontage, acreage, setbacks, etc. Gagnon suggested that they could request a conventional plat subdivision and create a road and make sure each lot satisfies the requirements. Or they could request a clustered subdivision with lots that have different dimensions than required. There was also discussion of whether or not what the PB had suggested to the Marateas constituted a taking, with there being general agreement that it did not. Rundle pointed out that the Attorney had also raised the issue of the character of the neighborhood. Selin said that trying to preserve farm land and open forest space is something that they need to keep revisiting. He said he sees no justification for three building parcels. He suggested that Lots A and B could be developed, and encourage a conservation easement on Lot C and leave it undeveloped.

Kruppa said that what was presented to the PB last month was not sufficient enough for consideration. If the Marateas want to submit more adequate information for the subdivision, the PB would consider it again. The PB would also consider a clustered subdivision if they apply for that, but for now the proposal is passed on to the BZA.

Gagnon pointed out a comment made by the Attorney in his email to Beeners in which he questions Danby's use of highway law to prevent people from building on seasonally maintained roads. This did not apply in the Maratea case but it may be something that should be reviewed.

## **Draft Groundwater Protection Law**

Kruppa said that the PB won't review the draft groundwater protection law until the Attorney has reviewed it. The Attorney has given three levels of his possible involvement in reviewing the law and it is up to the Town Board to decide and give him instruction. Selin said that there should be specific questions asked of the lawyer, not just a blanket request for his opinion. Kruppa said that until the law comes back with the lawyer's review, it will not be on the PB's agenda.

## **Comprehensive Plan Review Session**

Kruppa said that he had contacted Newfield and they had an intern help them with their Comprehensive Plan review. Rundle and Strichartz handed out their suggested revisions for the Goals, Objectives and Strategies portion of the Agriculture section. Strichartz walked the PB members through the suggested changes; deleting some strategies entirely and changing the wording of other strategies. There was discussion of all of the suggested changes.

Rundle and Strichartz also recommended a new Objective under Goal D2 to protect residents from negative impacts from factory farms and feed lots. There was discussion of whether the word "outlaw" could be used in reference to factory farms and feed lots as a strategy under this new objective. Selin suggested that this is the type of specific question that could be asked of the Attorney. Another suggested strategy for the new objective would be to encourage conservation easement donors to put restrictions on Concentrated Animal Feeding Operations (CAFOs). The wording of the new objective is on hold until Rundle can consult with the Attorney.

### **MOTION – Authorize Jim Rundle to contact the Town Attorney for advice regarding what can be done to protect residents from factory farms and feed lots.**

Moved by Gagnon, Second by Kruppa.

In Favor: Unanimous.

The motion passed.

Strichartz brought up alternative farms such as the mushroom farm and how to write them into the Comprehensive Plan. In the past there were interns who were charged with trying to locate these types of alternative farmers and create a network among them. There was discussion of how best to utilize interns to again try to set up a network of farmers. There was general agreement that they would need more oversight from the PB than they've had in the past.

There was discussion of who has the remaining sections of the Comprehensive Plan. Kruppa said he has the Community Services section. Selin said he has the Utilities section which he would like to review again to include the pipelines that cross through Danby. Gagnon said that Sue Beeners may have some information on the pipelines. Connors suggested that solar information could be added to the Utilities section. Selin said he did not think that he would have the Utilities section ready for review for the next meeting. Strichartz will check with Melchen to see if he can do the Economy section. Kruppa will check with Klingensmith on the status of her section.

Connors said that she did speak to Cornell Cooperative Extension but did not think that they would be able to help actually put together the Comprehensive Plan. CCE is more involved with the visioning. There was also discussion of getting interns to help with the Comprehensive Plan. One concern is that just as an intern gets up to speed, it's time for them leave. It was suggested that what is really needed is a planner who is invested in Danby.

## **Town Board Liaison Report**

Connors talked briefly about the Unity House issue that dominated the previous Town Board meeting. She said that the public is scared and mad. She said that many felt that Unity House wasn't forthcoming with their plans. Connors stated that her opinion is that they could have found a better location than where they intend to put it. There will be a meeting in April to continue the discussion.

Connors also mentioned the Zoning Office staffing issue. There is someone in mind for Matt Cooper's position.

The Zoning and Subdivision recommendations that the PB made to the TB were not considered at the previous TB meeting but have been moved to the next one.

### **Minutes**

Kruppa reminded the PB members of the purpose of the minutes and requested that they be mindful of the best way to request any needed revisions.

### **Adjournment**

The meeting was adjourned at 8:40.

---

Patty Jordan, Planning Board Recording Secretary