

Town of Danby Planning Board
Minutes of Regular Meeting
Thursday February 18, 2016

DRAFT

PRESENT:

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

ABSENT:

Frank Kruppa

OTHER ATTENDEES:

Town Planner	C.J. Randall
Town Board	Leslie Connors
Recording Secretary	Kelly Cecala
Public	Michael Casper

The meeting was opened at 7:05 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

MOTION - Joel Gagnon be acting chairman in Frank Kruppa's absence.

Moved by Strichartz, Second by Selin
In Favor: Unanimous
The motion passed

Randall provided copies of the agenda to all the Planning Board members. Gagnon asked the Planning Board if there were any additions or deletions to the agenda. Klingensmith requested to add the monthly Code Enforcement report as an agenda item. Strichartz requested to add expired terms as a discussion point. Randall requested to include Michael Casper as part of the agenda, so he could discuss his special permit. She also added Subdivision Amendments to the agenda.

(2) PRIVILEGE OF THE FLOOR:

There were no comments from the public during Privilege of The Floor.

(3) APPROVAL OF MINUTES:

Some members of the Planning Board had not received and/or read the edited draft of the January minutes. It was decided that the January minutes would be deferred to the next meeting.

(4) MICHAEL CASPER SPECIAL PERMIT TRANSFER/RENEWAL:

Michel Casper is the current owner and operator of Private Hotel + Pure Food which is located at 1040 Comfort Road. Mr. Casper is presently in contract to sell 30 acres, which includes all the buildings used in the Bed & Breakfast, to Vicky & Gregor Brous. The property sale is contingent on whether the Planning Board will approve a "mirror" permit which is equal to the special permit that Mr. Casper received in 2009. Mr. Casper wanted to brief the Planning Board on what was happening at the location and the change in ownership. Mr. Casper will be back in February.

Gagnon asked Randall if this was a non-conveying special permit. Randall said that there was a special permit modification in 2012 making it non-owner occupied. Randall said that permits are supposed to run with the land/establishment. She added that the new owner will complete a Development Review Application of their desired intentions. Randall clarified that the original permit should have been for a "Tourist Home" (which includes B&B) versus calling it a "Hotel" which has a different designation.

(4) SUBDIVISION AMENDMENTS:

Randall handed out copies of her proposed Subdivision Amendments to the Planning Board for review and reported that there was no clear or clean way to delete Land Division By Permit. She said that it needed to be written or "mutated" as a Minor Subdivision while keeping in concert with New York State Law. Randall also asked the Planning Board if they wanted to keep the Land Annexation piece as an administrative duty.

Klingensmith asked Randall for some back ground on the proposed changes. Randall said that in response to the Planning Board's passed resolution, which basically stated that they want the Town Board to revoke Land Division By Permit, she is suggesting to make it a Minor Subdivision change and has added the procedures and requirements to do so. Klingensmith acknowledged that this small "tweak" is to help tightening things up until there is a big review of everything.

Randall said that all subdivisions need to be presented to the Planning Board and the Town Planner before it goes to the Town Clerk's Office. In addition a Public Hearing would need to be held for every Subdivision. Randall added that there was no way to delete the process of Land Division By Permit, without adding something back in, because it would default everyone to the onerous duty of a Standard Subdivision. Gagnon asked what the difference was between a Minor and Standard Subdivision. Randall said that a Standard Subdivision is a three (3) step process which divides three (3) or more lots and that they don't occur that often. A Minor Subdivision is a two (2) step process and equals two (2) lots.

Klingensmith commented that the original language, which mentions lot sizes and the the three (3) year waiting period, still exist. Selin said that all

Subdivisions will now come to the Planning Board for review. Klingensmith remarked that they still don't have any authority to change the numbers. Melchen asked where the 200' road frontage language went. Randall said that was part of zoning, which is the tool that allows structures to come "alive." Whereas a subdivision deals with roads and streets and the "bones" of the parcels that are actually being built.

Rundle questioned where this "every three years" comes from and said that it was an engine that drives a lot of Subdivision. Gagnon added that indeed it had and that it was a way for people to circumvent coming before the Planning Board.

Strichartz asked if there was any criteria for these Standard Subdivisions to trigger a long term SEQR? Randall that SEQR is a requirement for any Standard Subdivision which is a Type I action. She added that it is more complex and it will be looked at separately. Klingensmith asked Randall what she specifically wanted input on. Randall asked the Planning Board for their overall impression, comments on the detail, likes and dislikes. Gagnon said that putting some of the criteria list into the application, versus putting it in the law, might make it more palatable when it goes to the public.

Klingensmith asked Connors if the Town Board knew about the Subdivision Amendment. Connor's said that the Town Board knew about Resolution #1 and that Randall was drafting a document relating to it. Klingensmith expressed her frustration about working on something which never gets addressed or resolved. Connor's said that the Town Board was asked to stop and was told not to consider it. She added that the audit was being done and that it didn't make sense to put bandaids on places. Connor's said that everyone wants to fix the mess and believes that Randall's suggestions will be well received and seen as the real deal, versus a bandaid.

Gagnon said that someone always had the option to come before the Planning Board if they didn't fall under the list of exceptions for Land Division By Permit. Randall said that everyone would come before the Planning Board now. Gagnon expressed his concern that we might be creating the situation where someone could not create a lot at all. He said that historically the Planning Board could do a Minor Subdivision, for anyone or any lot, if they did not meet the requirements of Land Division By Permit. Gagnon said under the proposed structure, if somebody divided a chunk off, they would be stuck for three (3) years and would have to wait. Selin said this is how it is done in Ulysses now. Gagnon added that we don't want to impede on division in the Hamlets and High Density Areas. Randall said that she didn't think this would impede on development in the Hamlets and said that it can always be amended.

Klingensmith asked how the Planning Board wanted to proceed with reviewing the document and making their recommendations. Randall said that points can be clarified and questions can be answered via email to keep the process moving forward. Randall suggested to take between now and March to review the document. Connors and Gagnon suggested to invite the Town Board to the meeting so everyone could be included in the same conversation. Gagnon questioned the wording "required setbacks" because no setbacks are currently listed. Gagnon suggested to change the wording to read "location of any required setbacks" since this is going into effect now. Randall agreed.

Gagnon commented that there is a provision for the Planning Board to waive requirements but that it wasn't clear where the waivers would be applied. Randall said that there are two areas where we would be waiving submission requirements. She said the first piece applies to the Preliminary Plat, which is the first Plat that an applicant brings at the first meeting. She said the second piece is the waiver of submission requirements for the Final Plat. Gagnon clarified his point that before it comes to the Planning Board the Planner needs to certify that it is complete. Gagnon asked how it will work, if they have already been required to provide the information that the Planning Board has the option to waive? He said it has happened after the fact.

Klingensmith raised a question on how the Planning Board was supposed to know what is of consequence. Randall said the first step is to complete the development application. Randall will make the initial assessment at the first meeting with the applicant. Gagnon asked if it would make more sense to have Randall waive the requirements since she is more qualified. Randall said she would consider adding Planning Administrator, in addition to Planning Board, to the waiver submission requirements. Randall suggests keeping only the Planning Board as the waiver of the final hearing. Klingensmith said that she would like to hear a synopsis of the total process.

Gagnon said that in the Land Annexation section it reads that if the Final Plat is not filed with the Town Clerk within a year, that the permit expires. Gagnon said that there is no permit. Randall said she would remove the piece about the permit and would re-work the section so it makes sense.

(5) CODE ENFORCEMENT REPORT:

Klingensmith said that the monthly Code Enforcement report was a very useful tool and requested that the Planning Board get it again on a monthly basis. This same request was made several months ago. Strichartz said that nobody knows what's going on anymore. Randall said that she gets the reports monthly and would put a reminder to start forwarding them to the Planning Board. Randall said that she is also working on getting the report posted on the Town's website.

(6) TED MELCHEN'S TERM:

Strichartz said that she has lived in the area for ~35 years. Strichartz said that she has noticed some dissension of the town and said that it had to do with the fact that the older generation have been phased out, in lots of different ways. She said that everyone that has come in (to Danby) has moved to the area recently. Strichartz said that Ted Melchen was born in Danby and believes that Melchen actually wants to be reappointed to the Planning Board for another full term. She asked Melchen this and he said that she was correct. Strichartz proposed that Melchen be recommended or reappointed to the position.

Strichartz said that a lot of the things that happened in the past, had to do with the fact that there was this perception that "a bunch of terrorists came in and took over the Town Hall with machetes" and that all of this happened a while back. Strichartz commented that everybody, except Joel, is new. She said that Ted is one of the "old-timers" who actually speaks to her and that not everyone does. Strichartz added that there needs to be a balance when "pushing out the old and embracing the new." Strichartz ended by saying that she loves working with Ted and that she was glad he was here.

Connors asked, so who is pushing out the old? Strichartz replied that it wasn't pushing so much...but that everyone is relatively new to Danby. Connors said that it's the nature of Danby and that sometimes it's the younger people that have some energy.

Connor's said this was the first time hearing that Ted Melchen wanted to be reappointed. She added that at the last meeting, Ted seemed interested in stepping down, but offered to stay on until someone else was appointed. Gagnon said that at the last meeting there was some discussion about Ted possibly not wanting to be reappointed for another seven (7) years. Gagnon added that Ted was willing to stay on with the understanding that he might resign part way through the term.

Connors replied by saying, had she thought Ted wanted to stay on, she would have pushed back the last meeting. Connors never heard anybody talk about Ted or pushing Ted. Melchen said that he has never had that feeling either. Strichartz clarified that no one is pushing Ted out and that she was being misunderstood. Strichartz said that when looking around at the various Boards, there are few members left that were born in Danby. She added that she thought it was a very important missing link. Strichartz commented that there was a lot of anger against certain types of people who are perceived as taking over the old town from the people that were born here. Klingensmith said that the old timers are selling us the land to come here. Melchen said that his reservation was being committed for sure to serve another seven (7) year term and that he wasn't sure he could do that. He added, but then again, who really can? Melchen said in that perspective he would be more than happy to stay on for another full term.

Gagnon asked Connors if there had been other applicants and said that the Planning Board is not in the position to make a recommendation with partial information. He added that the Planning Board should be interviewing everybody and should then make a recommendation based on what they know. Connors said that as far as she knows, there were no applications submitted. Klingensmith said that the term has started and that interviews should have already taken place. Klingensmith suggested to amend the previous Motion to recommend that Ted be reappointed.

RESOLUTION NO.2 OF 2016 - REAPPOINT TED MELCHEN TO A NEW FULL TERM

WHEREAS, this action is to ask the Town of Danby to consider reappointing Ted Melchen to another full term on the Planning Board; and **WHEREAS**, the Planning Board had made a previous Motion to the Town Board that open vacancies be advertised and interviewed in October, or two months before the term ends; and

WHEREAS, the term has already started and that this was not dealt with in a timely fashion.

NOW, THEREFORE IT IS

RESOLVED, That the Town of Danby Planning Board recommend to the Town Board to reappoint Ted Melchen to a full seven (7) year term for the Planning Board.

Moved by Klingensmith, Second by Rundle

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

The motion passed.

(7) TOWN BOARD LIAISON REPORT:

Connors reported that the submission for applications was extended to the end of February and that interviews would be started in March.

Connors also reported that there would be presentations and bids for the solar-ray that was going to be built. Gagnon asked how these somewhat large scale, semi-industrial facilities, are being located without any Planning Board review? Randall said that there are no provisions for reviewing utility structures which is permitted by right. Randall said that we can discuss ways to include large and small scale solar and define those and amend the zoning to include them.

Connors said the Town was considering to purchase the property next door to Town Hall.

(8) PLANNING & ZONING REPORT:

(9) COMPREHENSIVE PLAN REPORT:

The Comprehensive Plan Report will be updated in conjunction with the Work Plan 2016 timeline.

ADJOURNMENT

The meeting was adjourned at 8:48 pm.

Kelly Cecala, Planning Board & Board of Zoning Appeals Recording Secretary