

Town of Danby Planning Board
Minutes of Regular Meeting
Thursday June 16, 2016

DRAFT

PRESENT:

Joel Gagnon
Anne Klingensmith
Jim Rundle
Jody Scriber
Naomi Strichartz

ABSENT:

Frank Kruppa
Steve Selin

OTHER ATTENDEES:

Town Planner C.J. Randall
Town Board Leslie Connors
Recording Secretary Kelly Cecala
Public Alexis Dengel, Chansavath Davis, Brian Davis, and Jason Demarest

The meeting was opened at 7:04 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

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

Moved by Klingensmith, Second by Scriber.
In Favor: Klingensmith, Rundle, Scriber, Strichartz, Gagnon
The motion passed

C.J. Randall provided copies of the agenda. Klingensmith requested that a brief overview of Conflict of Interest be added to the agenda.

(2) PRIVILEGE OF THE FLOOR:

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

(3) APPROVAL OF MINUTES:

MOTION - Approve May Minutes.

Moved by Rundle, Second by Strichartz.
In Favor: Rundle, Scriber, Strichartz, Gagnon
Abstain: Klingensmith
The motion passed

(4) TOWN BOARD LIAISON REPORT:

Connors reported that the Town was trying to map out where the coverage holes are with Clarity Connect; residents should report connectivity problems to Paul Hansen.

Connors said that Toby Dean had been appointed as the 4th BZA member. She said that a BZA chairman still needs to be appointed.

Connors stated that the Town Board was reviewing the Zoning Amendments next week.

(5) ACTION ITEMS:

Project: Dengel Accessory Dwelling

Location: 100 Gunderman Rd.

Applicant: Alexis Dengel

Anticipated Board Action(s) in June: consideration of preliminary approval of special permit; set date for public hearing.

Project Description: The applicant is proposing the approval of a special permit for renovation of an existing unfinished structure as a second dwelling unit in a separate building for permanent occupancy on tax parcel 8.-1-34.32. The project is located in Low Density Residential zone. This is a Type II action under the Town of Danby Environmental Quality Review and State Environmental Quality Review Act.

Danby resident Alexis Dengel addressed the Planning Board and explained her request for a special permit. Klingensmith asked Dengel if she had talked with her neighbors and said that residents within 500 feet of her property line will be notified of a Public Hearing.

MOTION - Give preliminary approval of the project and grant special permit. Schedule a Public Hearing for July that will

precede the regular Planning Board Meeting.

Moved by Strichartz, Second by Rundle.

In Favor: Klingensmith, Rundle, Scriber, Strichartz, Gagnon

The motion passed

Project: Danby Market

Location: 1774 Danby Rd.

Applicant: Nancy Medsker

Anticipated Board action(s) in June: consideration of preliminary approval of special use permit; set date for public hearing

Project Description: The applicant is proposing the approval of a special permit for commercial uses on tax parcel 10.-1-13. The project is the renovation of an existing structure and is located in Commercial "B" zone. This is a Type II action under the Town of Danby Environmental Quality Review and State Environmental Quality Review Act.

Brian Davis, project architect, addressed the Planning Board on behalf of Nancy Medsker to discuss the Danby Market project.

Strichartz said she heard that no law was in place for mixed use. Klingensmith added that it was unclear what the Planning Board was doing with it tonight. Rundle said that a written proposal was needed, which outlines what the applicant wants to do in the space, before a special permit can be granted.

Klingensmith clarified that the applicant was looking for some specifics on what commercial uses the Planning Board would approve in the space. Davis reported that Medsker's intentions were to have a cafe (with food sales and wi-fi), an art studio (which would also sell art) and an area that could be used for automobile storage and/or repair. Rundle said that he would prefer to have a list of specific uses written down.

Gagnon commented that the site plan showed a "dead" spot in the north-west corner of the lot that could possibly be used for bike parking or even as green space. Klingensmith added that the Burning Bush shrubs were a bad choice because of its invasive nature.

MOTION - Give preliminary approval of the project and grant special permit. Schedule a Public Hearing for July that will precede the regular Planning Board Meeting.

Moved by Klingensmith, Second by Rundle.

In Favor: Klingensmith, Rundle, Scriber, Strichartz, Gagnon

The motion passed

(6) REVIEW OF CONFLICT OF INTEREST:

Randall sent the board members an electronic copy of the Code of Ethics. Randall said that Exparte Communication is when a project is discussed outside a full board. She added that if actual substance was discussed in private then the member should report what was discussed at the next board meeting. Randall summarized that all "professional" services and/or people should become part of the process and the public forum, versus having a one-on-one closed discussion.

Randall stated that recusal from a vote is when a person has some stated financial or personal interest in a project. Recusing is an individual decision, not a board decision, where the member does not listen to any of the discussion. Randall added that if a person had doubts about recusal they could contact the Tompkins County Board of Ethics who would issue a binding recommendation that would protect the Town and the individual from any liability.

(7) PLANNING & ZONING REPORT:

Randall reported that PDZ-10 received a positive declaration on April 12th and that a draft scope had not been received from the applicant. She added that if the draft scope is not received by the first week of July, that the Town Board will likely move to suspend the project, or terminate without prejudice. Rundle commented that the Planning Board's recommendation was not what was in the applicant's final submission. Randall confirmed and said that the final submission didn't match that of the Town Board either.

Randall said that no application had been received from Verizon Wireless as of yet.

Randall stated that Subdivision will be reviewed by the Town Board as requested by the Planning Board.

Randall said that the Groundwater Protection Law Public Hearing will be held on July 11th.

Randall discovered that the Danby aquifer protection law only has bulk water extraction defined and prohibited in the HV overlay zone. Randall is having Krogh review the law's language to make sure that we are not authorizing bulk water extraction anywhere in town. She added that NY water resources law preempts local law.

Randall said that highway solar panel installation needs to be approved by both the Army Core of Engineers and the DEC because of the protected wetlands. Randall said that it's a 178 kilowatt system that will serve all the Town's electricity needs.

Randall stated that Bill Evans was putting a stream conference together with the Danby Community Council for their July 15th meeting. Klingensmith added that she will be giving a presentation at the meeting on the water testing that she does.

Randall reported on finding the Zoning Ordinance from August 1969 in the vault. Randall said that it laid out the boundaries for PDZ-1 but that it didn't assign any rules. Randall said the location of PDZ-1 is 600 feet off Danby Road and along Hornbrook Rd. Randall said what is allowed there now, by right, are industrial uses and parks and residential subdivision.

Klingensmith questioned what the procedure was for extinguishing unused PDZ's. Randall responded that the Planning Board can

provide a staff report to the Town Board with a recommendation to rezone PDZ-1. Klingensmith asked if only a Public Hearing was needed to change the law? Randall clarified that it would have to go through Environmental Quality Review, go to County for 239 Review and it would always be subject to a protest petition. Strichartz commented that there are a total of 19 PDZ in Danby. She provided a list of them, with location, to the Planning Board.

(8) ADJOURNMENT

The meeting was adjourned at 8:40 pm.

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