

Town of Danby Planning Board  
Minutes of Regular Meeting  
Thursday November 17, 2016

**DRAFT**

**PRESENT:**

Joel Gagnon  
Anne Klingensmith  
Jim Rundle  
Jody Scriber  
Naomi Strichartz  
Frank Kruppa

**ABSENT:**

Steve Selin

**OTHER ATTENDEES:**

Town Planner	C.J. Randall
Code Enforcement	Pau Hansen
Recording Secretary	Kelly Cecala
Public	David Hall, Jessica Teryes, Cindy Ceracche, Frank Darrow, Charles Tilton, Pat Woodworth, Sandy Loomis, Rachael Clare, Robert Brenner, Michael Rielly, Daniel Clements, Tom Clements, Ted Crane, and Don Barber.

*The meeting was opened at 7:03 pm.*

**(1) CALL TO ORDER/AGENDA REVIEW:**

C.J. Randall provided copies of the agenda. Kruppa announced that the Verizon project would be the first action item discussed and said that their Declaration of Environmental Significance would not be done this evening.

**(2) PRIVILEGE OF THE FLOOR:**

Pat Woodworth, 305 Gunderman Road, said that she found two supporting documents online for the Blue Sky Center of Learning but could not find the actual proposal. Randall thought that the proposal may have been too large to post online and said she would double check the website.

Frank Darrow, 400 Gunderman Road, said that he was tightly associated with all of the discussion when the PDZ 10 changes were being proposed. He said that no details were provided in the original proposal and as time went along the details kept changing. Darrow remarked that the Board should not proceed unless there is a very detailed description of what the variance is going to allow. He added that he could not comment intelligently at a Public Hearing unless he knew what the proposal was. He said for example, is the proposed variance, for an activity that would be allowed, in addition to the currently allowed activities under PDZ 10 as it currently stands? Darrow said that the devil is in the details and there are a lot of open pieces.

Darrow commented that over the course of the last two years the Planning Board, and then the Town Board, was doing a lot of the PDZ 10 re-work that should have been the responsibility of the applicant. Darrow added that the burden for a detailed proposal rests on the person making the proposal, not the town representatives. He shared that in his opinion a town agency should only be reviewing proposals and offering suggestions, versus actually drafting and writing them.

Kruppa said that the Planning Board had received a sizable packet from the applicant for Blue Sky Center of Learning and that the information would be made available on the town's website for the public. Kruppa added that the only action for tonight's meeting was to set a Public Hearing and that everyone would have plenty of time to review the packet before the hearing.

Woodworth is concerned about the details and said there has not been an evaluation on traffic. She asked for clarification about the special permit being granted to the owner or the land. Randall said that the special permit runs with the land. Woodworth remarked that the details need to be very explicit in this case so they can not be

misinterpreted.

Darrow also stated that he was the adjacent landowner to the Cheng Subdivision.

Ted Crane, 888 Comfort Road, said that there were two different items on the agenda that illustrate two different scenarios. Crane said that the Cheng subdivision would create something that is probably not appropriate for a low density area, but nonetheless it is within the law. Crane added that directly across the street from the Cheng property is an area that has already been subdivided and has an existing PDZ who's activities have proven to be unsatisfactory to the neighborhood. He said there is a request on the agenda to extend yet another new activity that may also prove to be unsatisfactory to the neighborhood. Crane said that the Planning Board has the leeway to decide if the proposed activity is really appropriate for the area and urged the Board not to proceed with a Public Hearing.

**(3) APPROVAL OF MINUTES:**

**MOTION - Approve October Minutes**  
**Moved By Gagnon, Second By Strichartz**  
**In Favor: Gagnon, Klingensmith, Scriber, Strichartz, Kruppa**  
**Abstain: Rundle**  
**The motion passed**

**(4) TOWN BOARD LIAISON REPORT:**

There was no Town Board member present to give a report.

**(5) ACTION ITEMS:**

Action Item A:

**Project:** Verizon Wireless Telecommunications Facility  
**Location:** American Legion Post No. 221, 1231 Danby Road  
**Applicant:** Robert J. Brenner for Verizon Wireless  
**Anticipated Board action(s) this month:** Review Part 2 of Full Environmental Assessment Form (FEAF), including Visual Addendum and photos from balloon test  
**Project Description:** The Applicant proposes to construct a large telecommunications facility at the American Legion Post No. 221. The facility will consist of a 109' monopole tower with additional 1' lightning rod, a 12' x 22' equipment platform, and other associated site improvements. The project is in the Low Density Residential Zoning District. This is a Type I Action under the Town of Danby Local Law 3 of 1999 Regulating the Siting of Wireless Telecommunications Facilities and an Unlisted Action under the State Environmental Quality Review Act, and is subject to environmental review.

Robert Brenner addressed the Board and introduced Mr. Michael Rielly whom is with the engineering firm that conducted the balloon test. Brenner asked that a Public Hearing be scheduled for next month at which time they can take action on their proposal.

Klingensmith requested to see an image of the top of the tower and said that it should be available at the Public Hearing. Brenner said that it would be. Brenner said they tried staying in a commercial area during the site selection process near existing electric infrastructure to limit the visibility from the surrounding areas.

**The Planning Board approved scheduling a Public Hearing for this action item in December.**

Action Item B: Public Hearing (Cheng Standard Subdivision)

**Project:** Standard Subdivision  
**Location:** 326 Gunderman Road, Tax Parcel #8.-1-32.1  
**Applicant:** Joseph Cheng  
**Anticipated Board action(s) this month:** Public Hearing, Declaration of Environmental Significance, Preliminary and Final approval  
**Project Description:** The Applicant proposes to subdivide the existing 31.49-acre property into three parcels: Parcel A, measuring 5.009 acres, with 202.69 feet of frontage on Gunderman Road, 1037.48 feet of depth, with an existing 1,960 square foot house; Parcel B, measuring 5.005 acres with 202.70 feet of frontage on Gunderman Road, 1036.53 feet of depth, and undeveloped; and Parcel C, measuring 21.476 acres and undeveloped. The property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of

300 feet. This is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

*Public Hearing opened at 7:18 pm*

Cindy Ceracche, 338 Gunderman Road, had a question what the road frontage was on Parcel C. Randall said approximately 450 feet. Ceracche said then, at most, the parcel could only be split into two. Gagnon said yes only two, without a variance, or a change in the law.

Dan Clements, 634 Comfort Road, said that his property is adjacent to Cheng's property. Clements asked if Cheng had indicated what his plans were for Parcel(s) B and C. Kruppa said that the request was to split A and B, which will both be sold, and that Cheng will maintain ownership of C. Clements said that he has no problem with it.

Tom Clements, 276 Gunderman Road, also said that he has no problem with it.

Pat Woodworth, 305 Gunderman Road, said that she lives across from the property and that she actually looked at that property first before buying. Woodworth said that at the time there was the potential for three (3) houses and that it seems like not much has changed in 25 years.

David Hall, 279 Gunderman Road, said that he has no objections.

Renada Wadsworth, 379 Gunderman Road, said that she is the buyer for parcel(s) A and B and that her family of four would live in the existing house and that her mother would be building a small house in the five acre lot next to her.

**PLANNING BOARD RESOLUTION NO. 13 OF 2016 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, STANDARD SUBDIVISION, 326 GUNDERMAN RD., TAX PARCEL NO. 8.-1-32.1**

**Whereas**, an application has been submitted for review and approval by the Town of Danby Planning Board for a Standard Subdivision at 326 Gunderman Road, Town of Danby Tax Parcel No. 8.-1-32.1, by Joseph Cheng, Owner and Applicant; and

**Whereas**, the Applicant proposes to subdivide the existing 31.49-acre property into three parcels: Parcel A, measuring 5.009 acres, with 202.69 feet of frontage on Gunderman Road, 1037.48 feet of depth, with an existing 1,960 square foot house; Parcel B, measuring 5.005 acres with 202.70 feet of frontage on Gunderman Road, 1036.53 feet of depth, and undeveloped; and Parcel C, measuring 21.476 acres and undeveloped; and

**Whereas**, the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas**, this is considered a Standard Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 C.1. Standard Subdivision, any division of land resulting in three or more lots, of any size, at one time, which such division of land is and remains at all times subject to the requirements and terms of the Stormwater Local Law, if and as applicable; and

**Whereas**, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

**Whereas**, the Planning Board, being the local agency which has primary responsibility for approving the action, did on October 20, 2016 declare itself the Lead Agency for the environmental review; and

**Whereas**, this Board, acting as Lead Agency in environmental review, did on October 20, 2016 and November 17, 2016 review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "Survey Map: No. 360 East Miller Road," prepared by T.G. Miller, P.C., and dated 8/2/2016; and other application materials;

**Now Therefore, be it**

**Resolved**, that the Town of Danby Planning Board determines the proposed Standard Subdivision will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act.

**Moved By Gagnon, Second By Strichartz**

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

**The motion passed**

**PLANNING BOARD RESOLUTION NO. 14 OF 2016 - PRELIMINARY AND FINAL APPROVAL, STANDARD SUBDIVISION, 326 GUNDERMAN RD., TAX PARCEL NO. 8.-1-32.1**

**Whereas**, an application has been submitted for review and approval by the Town of Danby Planning Board for a Standard Subdivision at 326 Gunderman Road, Town of Danby Tax Parcel No. 8.-1-32.1, by Joseph Cheng, Owner and Applicant; and

**Whereas**, the Applicant proposes to subdivide the existing 31.49-acre property into three parcels: Parcel A, measuring 5.009 acres, with 202.69 feet of frontage on Gunderman Road, 1037.48 feet of depth, with an existing 1,960 square foot house; Parcel B, measuring 5.005 acres with 202.70 feet of frontage on Gunderman Road, 1036.53 feet of depth, and undeveloped; and Parcel C, measuring 21.476 acres and undeveloped; and

**Whereas**, the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas**, this is considered a Standard Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 C.1. Standard Subdivision, any division of land resulting in three or more lots, of any size, at one time, which such division of land is and remains at all times subject to the requirements and terms of the Stormwater Local Law, if and as applicable; and

**Whereas**, legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 211 Public Notice Requirements for Standard Subdivisions; and

**Whereas**, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Section IX of Local Law 2 of 1991 Environmental Review of Actions in the Town of Danby, require that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

**Whereas**, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

**Whereas**, the Planning Board, being the local agency which has primary responsibility for approving the action, did on October 20, 2016 declare itself the Lead Agency for the environmental review; and

**Whereas**, this Board, acting as Lead Agency in environmental review, did on October 20, 2016 and November 17, 2016 review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "Survey Map: Showing Lands of Joseph Cheng & Hsiao Pin Cheng Located at 326 Gunderman Road, Town of Danby, Tompkins County, New York" prepared by T.G. Miller, P.C., and dated 8/26/2016; and other application materials; and

**Whereas**, the Planning Board did on November 17, 2016 make a Negative Declaration of Environmental Significance for the project; and

**Whereas**, the Planning Board recognizes that information received and reviewed for this Subdivision indicates the resultant parcels conform to area requirements in the Low Density Residential Zoning District;

**Now Therefore, be it**

**Resolved**, that the Town of Danby Planning Board does hereby grant Preliminary and Final Subdivision Approval to the proposed Standard Subdivision of Town of Danby Tax Parcel No. 8.-1-32.1, by Joseph Cheng, Owner and Applicant, subject to the submission of the final approved plat, pursuant to Town of Danby Subdivision and Land Division Regulations, Article II, § 210 IX. Subdivider Filing Requirement following Certification of Final Plat.

**Moved By Gagnon, Second By Rundle**

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

**The motion passed**

*Public Hearing closed at 7:27 pm*

Action Item C:

**Project:** Loomis/Johnson Accessory Dwelling

**Location:** 365 Troy Rd., Tax Parcel # 3.-1-9.3

**Applicant:** Sandy Loomis, Craig Johnson, and Loraine Johnson

**Anticipated Board Action(s) this month:** Consideration of preliminary approval of special permit; set date for Public Hearing

**Project Description:** The Applicant requests the approval of a special permit for renovation of an existing unfinished structure (garage) to add a second dwelling unit in a separate building for permanent occupancy on the 3.82-acre lot. The project is located in the Low Density Residential zone. This is a Type II action under the Town of Danby Environmental Quality Review and State Environmental Quality Review Act.

Applicant Sandy Loomis stated that they built a separate garage (with a building permit) which now includes a small apartment on the second floor where she lives. She said that she is living illegally because a special permit was never granted. Paul Hansen said that he missed this application when he first started in his position.

**The Planning Board approved scheduling a Public Hearing for this action item in December.**

Action Item D:

**Project:** Blue Sky Center for Learning

**Location:** 303 Gunderman Road, Tax Parcel #9.-1-9.12

**Applicant:** David Hall

**Anticipated Board action(s) this month:** Consideration of preliminary approval of special permit; set date for Public Hearing

**Project Description:** The applicant proposes to create a therapy center specializing in treating autism spectrum disorders not exceed 12,000 square feet within the existing barn structure on the 2.61-acre lot. The project is in Planned Development Zone 10. This is a Type I Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

Applicant David hall stated that this proposal for Blue Sky Center for Learning was a piece of the PDZ 10 rewrite and that this component has been isolated out and he is requesting a special permit for the Learning Center. Kruppa asked that Randall explain the technicalities of a special permit. Randall read the definition from the Town Zoning Ordinance. Klingensmith said that the property is located within a PDZ but that we are not talking about the PDZ law itself. Klingensmith added that in order to have a Learning Center in this underlying low density zone, it requires a special permit.

Strichartz said that her feelings about having an autism center were positive but asked Hall if the Learning Center would occupy the entire building or if he would be applying for further industrial uses. Hall said that a center like this has very low people / sq. ft. which requires a lot of square footage. He approximated 12,000 sq. ft. would be used for the center.

Strichartz questioned how much available space would be left in the building? Hall clarified that there were three (3) floors in the main building that were approximately 5,000 sq. ft. each plus an additional 5,000 sq. ft. warehouse, with an approximate total of 21,000 sq. ft, 12,000 of which would be dedicated to the Learning Center.

Strichartz asked what the hours of operation would be. Hall said "typical" clinic hours; possibly 8, am to 7 pm. Strichartz asked how many people will the center be accommodating at one time. Hall said that he is licensing the programing of Dr. Vincent Carbone, who is the leading authority in autism therapy. Hall said that ideally it will be a 25 hr/week program and that two of the previous Carbone clinics had 15 and 25 patients in them. Strichartz asked if the center was to treat the children or the therapists. Hall said both. Klingensmith asked Randall if this special permit is granted for the Learning Center, are the clothing activities and that permit still legal? Randall said yes.

Strichartz said that she hopes something can be done about the PDZ that nobody likes. Crane said to clarify how much actual square footage there is and exactly how much would be left after the 12,000 sq.ft. are used. He also questioned whether or not therapists are being formally trained on site. Crane said that none of this precludes any future special permit requests from Hall and that this could be a piece by piece attempt to get what was already denied.

Gagnon questioned if the total number of employees could really reach 70 people, as stated in the proposal? Hall said currently there is no limit on the number of employees allowed. Strichartz said that we can put a limit on the special permit. Gagnon said that for planning purposes it effects water usage and septic adequacy. Hall said that the 70 figure was from the original document and not the updated Blue Sky Center for Learning. Hall said that he proposes 15 full-time employees and 10 clients.

Strichartz said that the numbers will be important to the people in the neighborhood and suggested that Hall come back to the Public Hearing with specifics and numbers. Scriber said the issue of having seminars and training in that area, off a main road, is too open. Hall said that his book auction company was moved out of Danby to Dryden and that there is a great assembly space in Dryden where he hopes to have Blue Sky seminars and conferences.

Gagnon asked why a full AEF was done for this type of special permit. Randall said a full AEF is required because this is a Type 1 Action, it is a commercial space in an agricultural district. Gagnon said that the AEF is missing a lot of information. Scriber asked what Hall had done through the State Department of Ed. Hall said that he needed to get a waiver from the State Department of Ed to run the clinic since he (the owner) was not a therapist but operating a licensed clinic.

Rundle commented on the hunting concerns that were brought up by neighbors at the previous meetings and hearings. Kruppa requested to have the hunting set backs clarified before the Public Hearing. Rundle questioned the tax implications of a clinic. Hall said this is privately owned property and it is not tax exempt. Hall said that people would be paying for the services. Strichartz asked what the upper age limit is for kids. Hall said there is no age limit and that he would like to open this up (eventually) to help adults too.

Crane said he noticed a moving target on what was being asked for and what was being provided by Hall. Randall

remarked and urged the Planning Board to wait until a complete application was received in addition to all of the other requested material from this meeting.

**The Planning Board deferred a Public Hearing to January for this action item pending the receipt of:**

- a full program description (i.e. employees, operating hours, training, total clinic capacity)
- clarity on hunting set backs and the law
- EAF completed
- application completed
- specifics on total square footage

Action Item E:

**Project:** Minor Subdivision

**Location:** 45 Hilltop Rd., Tax Parcel #8.-1-21.2

**Applicant:** Don and Priscilla Barber

**Anticipated Board action(s) this month:** Declaration of Lead Agency, Review Part I of Environmental Assessment Form (EAF), and Review of Preliminary Plat application

**Project Description:** The Applicant proposes to subdivide the existing 115.19- acre property into two parcels: Parcel A, measuring 8.936 acres, with 483.12 feet of frontage on Hilltop Road, 793.86 feet of depth, with existing house and barn; and Parcel B, measuring approximately 106 acres with 1,525 feet of frontage on Jersey Hill Road, approximately 1,223 feet of depth, and actively farmed. The property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet. This is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

**PLANNING BOARD RESOLUTION NO. 15 OF 2016 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, 45 HILLTOP ROAD, TAX PARCEL NO. 8.-1-21.2**

**Whereas,** an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 8.-1-21.2, by Donald Barber, Applicant and Priscilla J. Barber, Owner; and

**Whereas,** the Applicant proposes to subdivide the existing 115.19-acre property into two parcels: Parcel A, measuring 8.936 acres, with 483.12 feet of frontage on Hilltop Road, 793.86 feet of depth, with existing house and barn; and Parcel B, measuring approximately 106 acres with 1,525 feet of frontage on Jersey Hill Road, approximately 1,223 feet of depth, and actively farmed; and

**Whereas,** the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas,** this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 B.2. Minor Subdivision, Option #1 – A large-lot minor subdivision is permitted, provided that the following criteria are met:

- a. Both lots resulting from the minor subdivision are (8) acres or more, each with frontage on a public road maintained year- round;
- b. Both lots resulting from the minor subdivision meet all other pertinent zoning requirements;
- c. No extension or improvement of an existing, or creation of a new public road, significant public utility infrastructure, or significant stormwater improvements, or extension of public benefit districts is involved;
- d. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are used within such Stormwater Local Law;
- e. The subdivision results in no more than two lots, including the parcel being divided; and

**Whereas,** this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

**Whereas,** State Law specifies that, for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action;

**Now Therefore, be it**

**Resolved,** that the Town of Danby Planning Board does hereby declare itself Lead Agency for the environmental review for the action of Minor Subdivision approval of Town of Danby Tax Parcel No. 8.-1-21.2, by Donald Barber, Applicant and Priscilla J. Barber, Owner.

**Moved By Gagnon, Second By Scriber**

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

**The motion passed**

**The Planning Board reviewed and approved Part 1 of the Short EAF.**

**The Planning Board approved scheduling a Public Hearing for this action item in December.**

Action Item F:

**Project:** Minor Subdivision

**Location:** Deputron Hollow Rd., Tax Parcel # 12.-1-6.22

**Applicant:** Erick Palmer for TMeLchen, LLC

**Anticipated Board action(s) this month:** Declaration of Lead Agency, Review Part 1 of Environmental Assessment Form (EAF), and Review of Preliminary Plat application

**Project Description:** The Applicant proposes to subdivide the 40.65-acre property into two parcels: Parcel A, measuring 27.40 acres and Parcel B, measuring 13.25 acres, all of which is woodland. The property is encumbered by a conservation easement held by the Town; Town Board approval is also required to permit subdivision. This is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

Randall said that there was a Town held conservation easement on the property which allowed for the land to be subdivided and sold. Gagnon commented that the lots in question were not on public roads that were maintained year round and asked if this should go to the BZA for a variance instead? Randall said yes that the Planning Board can declare lead agency tonight and then it would go to BZA (for the variance) and then Town Board (for the conservation easement) and then back to the Planning Board (for the subdivision).

**PLANNING BOARD RESOLUTION NO. 16 OF 2016 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, DEPUTRON HOLLOW ROAD, TAX PARCEL NO. 12.-1-6.22**

**Whereas,** an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 12.-1-6.22, by Erick Palmer, Applicant and TMeLchen, LLC, Owner; and

**Whereas,** the Applicant proposes to subdivide the 40.65-acre property into two parcels: Parcel A, measuring 27.40 acres and Parcel B, measuring 13.25 acres, all of which is woodland; and

**Whereas,** the property is encumbered by Deed of Conservation Easement instrument # 2015-05871, and the Property may not be used for activities and land uses that the Town reasonably determines are inconsistent with the purposes of this Easement, that impair or potentially impair the Conservation Values, or that may have a material adverse effect upon the protected Conservation Values as construed under 26 CFR §1.170A-14; and

**Whereas,** the property is substantially within a Tompkins County-designated Unique Natural Area (UNA 174) known as Deputron Hollow; and

**Whereas,** the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas,** this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 B.2. Minor Subdivision, Option #1 – A large-lot minor subdivision is permitted, provided that the following criteria are met:

- a. Both lots resulting from the minor subdivision are (8) acres or more, each with frontage on a public road maintained year-round;
- b. Both lots resulting from the minor subdivision meet all other pertinent zoning requirements;
- c. No extension or improvement of an existing, or creation of a new public road, significant public utility infrastructure, or significant stormwater improvements, or extension of public benefit districts is involved;
- d. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are used within such Stormwater Local Law;
- e. The subdivision results in no more than two lots, including the parcel being divided; and

**Whereas,** this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

**Whereas,** State Law specifies that, for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action;

**Now Therefore, be it**

**Resolved,** that the Town of Danby Planning Board does hereby declare itself Lead Agency for the environmental review for the action of Minor Subdivision approval of Town of Danby Tax Parcel No. 12.-1-6.22, by Erick Palmer, Applicant and TMeLchen, LLC, Owner.

**Moved By Gagnon, Second By Strichartz**

**In Favor: Gagnon, Klingensmith, Rundle, Scriber, Strichartz, Kruppa**  
**The motion passed**

Action Item G:

**Project:** Minor Subdivision

**Location:** Nelson Road and Hornbrook Rd., Tax Parcel 6.-1-18.25

**Applicant:** Edward V. Melchen

**Anticipated Board action(s) this month:** Declaration of Lead Agency, Review Part 1 of Environmental Assessment Form (EAF), and Review of Preliminary Plat application

**Project Description:** The Applicant proposes to subdivide the existing 18.972- acre property into two parcels: Parcel A, measuring 12.345 acres, with 280.51 feet of frontage on Nelson Road, 666.29 feet of depth, and undeveloped; and Parcel B, measuring 6.627 acres with 420.10 feet of frontage on Hornbrook Road, 617.26 feet of depth, and undeveloped. The property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet. This is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

**PLANNING BOARD RESOLUTION NO. 17 OF 2016 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, NELSON ROAD AND HORN BROOK RD., TAX PARCEL NO. 6.-1-18.25**

**Whereas,** an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 6.-1-18.25, by Edward V. Melchen, Applicant and Owner; and

**Whereas,** the Applicant proposes to subdivide the existing 18.972-acre property into two parcels: Parcel A, measuring 12.345 acres, with 280.51 feet of frontage on Nelson Road, 666.29 feet of depth, and undeveloped; and Parcel B, measuring 6.627 acres with 420.10 feet of frontage on Hornbrook Road, 617.26 feet of depth, and undeveloped; and

**Whereas,** the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas,** this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 B.2. Minor Subdivision, Option #1 – A large-lot minor subdivision is permitted, provided that the following criteria are met:

- a. Both lots resulting from the minor subdivision are (8) acres or more, each with frontage on a public road maintained year-round;
- b. Both lots resulting from the minor subdivision meet all other pertinent zoning requirements;
- c. No extension or improvement of an existing, or creation of a new public road, significant public utility infrastructure, or significant stormwater improvements, or extension of public benefit districts is involved;
- d. Compliance with the Stormwater Local Law, if applicable, has been demonstrated, including, but not limited to, the preparation and approval of SWPPPs, the obtaining of Stormwater Permits, and the design, planning, installation, construction, maintenance, and improvement of temporary and permanent Stormwater Management Practices, as each and all of such capitalized terms are used within such Stormwater Local Law;
- e. The subdivision results in no more than two lots, including the parcel being divided; and

**Whereas,** this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

**Whereas,** State Law specifies that, for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action;

**Now Therefore, be it**

**Resolved,** that the Town of Danby Planning Board does hereby declare itself Lead Agency for the environmental review for the action of Minor Subdivision approval of Town of Danby Tax Parcel No. 6.-1-18.25, by Edward V. Melchen, Applicant and Owner.

**Moved By Gagnon, Second By Rundle**

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

**The motion passed**

**The Planning Board reviewed and approved Part 1 of the Short EAF.**

**The Planning Board approved scheduling a Public Hearing for this action item in December.**

**(6) PLANNING & ZONING REPORT:**

Randall reminded the Planning Board that the joint-scoping meeting was on Tuesday November 29th at 7pm and said



there would be an inventory overview report of the PDZs and their current activity with proposed changes on what can be done with them.

**(7) ADJOURNMENT**

*The meeting was adjourned at 8:54 pm.*

---

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