

Town of Danby Planning Board
Minutes of Regular Meeting
May 18, 2017

FINAL

PRESENT:

Scott Davis
Joel Gagnon
Jim Rundle
Jody Scriber
Naomi Strichartz

ABSENT:

Anne Klingensmith
Frank Kruppa

OTHER ATTENDEES:

Code Enforcement Paul Hansen
Recording Secretary Kelly Cecala
Public Pat Woodworth, Charles Tilton, Ted Crane, Sharon Gaden, Carl Crispell, and Jasmina Petrovic.

The meeting was opened at 7:05 pm.

MOTION – Appoint Joel Gagnon to Acting Chairman

Moved by Rundle, Second by Strichartz

In Favor: Unanimous

The motion passed

(1) CALL TO ORDER/AGENDA REVIEW:

Rundle requested to add zoning and the PDZ as discussion topics at the end of the meeting if time permits. Strichartz requested to move the subdivision request for Jasmina Petrovic to the front of the meeting. Rundle said that there is a Public Hearing scheduled first. The other board members were in favor of following the agenda as it was provided.

(2) PRIVILEGE OF THE FLOOR:

Ted Crane commented that he was pleased to hear Rundle cover the subject of zoning and the PDZ and remarked that the Board should also consider bringing the zoning and subdivision rules into compliance with the goals of the Danby Comprehensive Plan.

(3) APPROVAL OF APRIL MINUTES:

A draft copy of the minutes had not been provided to the Planning Board, therefore the approval of the minutes has been deferred to the next meeting in June.

(4) TOWN BOARD LIAISON REPORT:

No Town Board member was present to give a report. Gagnon/Hansen said that the Town approved a budget for a CAC recording secretary and will begin interviewing for this position. Hansen said that the highway solar project on Hornbrook is slowly moving forward and had been held up for a while in contracts.

(5) ACTION ITEMS:

Project: Minor Subdivision

Location: Coddington Road, Tax Parcel # 5.-1-4.22

Applicant: Brian Jackson for Carl Crispell

Anticipated Board action(s) this month: Public Hearing; Determination of Environmental Significance; Preliminary & Final Approval

Project Description: The Applicant proposes to subdivide the 149.57-acre property, currently joined by a tie line across Coddington Road, into two parcels: Parcel A, measuring 122 acres, with approximately 2,650 feet of frontage on Coddington Road, approximately 1900 feet of depth; and Parcel B, measuring 28.52 acres with approximately 1,660 feet of frontage on Coddington Road, approximately 850 feet of depth. 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.

The public hearing for the Crispell subdivision opened at 7:15 pm.

Crane commented that the property map appears to only show Parcel A for some reason. Gagnon asked why Crispell wanted to subdivide. Crispell said that he was getting too old to walk up the hill and wanted to keep the flat (larger) part for himself and split the property up and sell the smaller lot. Strichartz asked what he was hoping to do. Crispell said that he was hoping someone would buy it for a horse farm.

Gagnon asked if Crispell had considered a conservation easement on the property before he sold it, which would ensure that it remains in one piece versus getting subdivided into a bunch of lots. Crispell said that he wants to be able to sell it for the maximum amount that he can. Gagnon added that the assessment department would assert that a conservation easement does not alter their market value. Strichartz commented that she believes it can enhance the value in some situations.

PLANNING BOARD RESOLUTION NO. 25 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, CRISPELL FARM, CODDINGTON ROAD, TAX PARCEL NO. 5.-1-4.22

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. 5.-1-4.22 by Brian Jackson, Applicant and Carl Crispell, Owner; and

Whereas the Applicant proposes to subdivide the 149.57-acre property, currently joined by a tie line across Coddington Road, into two parcels: Parcel A, measuring 122 acres, with approximately 2,650 feet of frontage on Coddington Road, approximately 1900 feet of depth; and Parcel B, measuring 28.52 acres with approximately 1,660 feet of frontage on Comfort Road, approximately 850 feet of depth; 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 the Planning Board, being the local agency which has primary responsibility for approving the action, did on March 16, 2016 declare itself the Lead Agency for the environmental review; and

Whereas legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Zoning Ordinance, Article IX, § 904(2) and a Public Hearing was held on May 18, 2017; and

Whereas this Board, acting as Lead Agency in environmental review, did on May 18, 2017 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 a Portion of Lands of Carl Crispell, Town of Danby, County of Tompkins, State of New York, Part of Tax Map No. 5.-1-4.22, Part of Reference Deed; Instrument No. 493451-002," prepared by Reagan Land Surveying and dated 3/2017; and other application materials;

Now Therefore, be it

Resolved that the Town of Danby Planning Board determines the proposed Minor 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.

Gagnon suggested adding a **Whereas** which states that a Public Hearing was held on May 18, 2017.

MOTION - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

Moved by Strichartz, Second by Rundle

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

The motion passed

The public hearing for the Crispell subdivision closed at 7:21 pm.

PLANNING BOARD RESOLUTION NO. 26 OF 2017 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, CRISPELL FARM, CODDINGTON ROAD, TAX PARCEL NO. 5.-1-4.22

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. 5.-1-4.22 by Brian Jackson, Applicant and Carl Crispell, Owner; and

Whereas the Applicant proposes to subdivide the 149.57-acre property, currently joined by a tie line across Coddington Road, into two parcels: Parcel A, measuring 122 acres, with approximately 2,650 feet of frontage on Coddington Road, approximately 1900 feet of depth; and Parcel B, measuring 28.52 acres with approximately 1,660 feet of frontage on Comfort Road, approximately 850 feet of depth; 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 legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Zoning Ordinance, Article IX, § 904(2) and a Public Hearing was held on May 18, 2017; and

Whereas the Planning Board, being the local agency which has primary responsibility for approving the action, did on March 16, 2016 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on May 18, 2017 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 a Portion of Lands of Carl Crispell, Town of Danby, County of Tompkins, State of New York, Part of Tax Map No. 5.-1-4.22, Part of Reference Deed; Instrument No. 493451-002," prepared by Reagan Land Surveying and dated 3/2017; and other application materials; and

Whereas the Planning Board did on May 18, 2017 make a Negative Declaration of Environmental Significance for the project; 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 VI, § 601 II.H. Hearing and Notices; 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 Minor Subdivision of Town of Danby Tax Parcel No. 5.-1-4.22 by Brian Jackson, Applicant and Carl Crispell, Owner, subject to the submission of the final approved plat, having a raised seal and signature of a registered licensed surveyor, filed with the Tompkins County Clerk within six (6) months.

Gagnon suggested adding a **Whereas** which states that a Public Hearing was held on May 18, 2017.

MOTION - PRELIMINARY AND FINAL APPROVAL

Moved by Strichartz, Second by Rundle

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

The motion passed

Project: Minor Subdivision

Location: 119 West Miller Road, Tax Parcel # 7.-1-65.2

Applicant: Jasmina Petrovic

Anticipated Board action(s) this month: Sketch Plan

Project Description: The Applicant proposes to subdivide the 9.39-acre property into two parcels: Parcel 1, measuring 2.37 acres, with 200 feet of frontage on West Miller Road, 416.36 feet of depth; and Parcel 2, measuring 7.04 acres with 210.87 feet of frontage on West Miller Road, and 924.30 feet of depth. 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.

Gagnon asked Hansen what the history was of this subdivision and said that unless the Planning Board does a waiver of requirements, it does not qualify as a minor subdivision because it has been less than three years since it was last subdivided. Hansen replied saying that prior to this, the property was included to Milton Tucker property, where a

subdivision was approved in February 2017. Hansen said that if this is taken as is, then yes it would be the second subdivision in less than three years. Hansen commented that the reason there is a quandary about this, is because essentially the property was sold to Tucker several years ago, but that the paperwork was not filed until December 2016. Hansen said that it was up to the Board's discretion on how to handle it.

Rundle asked what the evidence was that the property actually changed hands? Jasmina Petrovic stated that it changed hands on December 5th, 2011. Petrovic said that Tucker refused to go to the lawyers to sign the paperwork and therefore it was never filed because she could not get a signature. Strichartz said that conceivably we could say that it was subdivided six years ago and therefore it can be subdivided again. Hansen agreed but said that there is no evidence one way or the other as far as the transaction details.

Rundle said that if it was actually sold that there should be proof of that. Petrovic added that Tucker found out that the land was under foreclosure when he finally signed the paperwork and that is when he went and paid taxes. Petrovic said that Tucker only started paying taxes in 2016. Hansen added that when the taxes were paid by Tucker in 2016 it was only for his portion of the property. Rundle asked who had been paying taxes on the rest of the property then. Hansen said that the Tucker property is free and clear and that Tucker is paid up to date. Hansen said that the Petrovic property is not up to date and is in foreclosure for non-payment for taxes. Davis said that if Tucker bought the property and if it became a tax parcel for which he paid taxes on, then isn't that evidence that a transaction took place. Crane said that payment of taxes does not apply ownership. Hansen said that in December of 2016 Tucker paid three (3) years' worth of taxes for the smaller "L" shaped piece of property that he bought in 2011 and that he did this to have a clear title and that he now has the deed for this property.

Crane asked Petrovic if she paid taxes on the portion of the parcel that she had kept, Petrovic said yes. Petrovic added that she did whatever Tuckers attorney told her too. Crane said that it sounds like Petrovic did not pay taxes based on a separate bill from the assessment department. Davis asked Petrovic if she received the only tax bill, Petrovic said yes.

Hansen said that three (3) years is the same amount of time for foreclosure as it is for the time that needs to pass before you can subdivide a second time. Hansen said that Tucker did not file the paperwork until his son told him to get on the ball or everything would fall apart and the entire property was going into foreclosure.

Crane forewarned that if the Planning Board waives the three year rule then to do it in such a way to not to set a precedent and open the door for other "hand shake" deals. Davis questioned how a land exchange could take place but with no deed change record, no tax parcel change, no proof of taxes being paid, or any other evidence to prove or disprove of it actually happening. Hansen said that everything was finalized and took place once the Planning Board approved the subdivision in February 2017. Davis commented that Tucker legally just bought the property earlier this year then.

Hansen said the question for the Planning Board now is whether or not a Public Hearing would be set up for a major or minor subdivision. Gagnon said that if it does not meet the criteria for a minor subdivision then it would be a standard (not major) subdivision. Hansen commented that Petrovic has the right to ask for a subdivision since it is in foreclosure. He added that the foreclosure is not finalized until the county takes the property and that an auction is scheduled for mid-June.

Hansen said that Petrovic owns the smaller piece of property and she is trying to save her house. Hansen said that she has a buyer for the larger parcel and that if the Planning Board allows this process to go through that she will have someone who will pay the taxes on the property. Hansen said that the lawyers apportioned the taxes in December. Crane added that it appears that when the deed was filed for the separation last winter that the lawyers appropriated all the unpaid taxes to one party - Petrovic.

Hansen said that someone illegitimately (through the lawyers) appropriated the taxes in December because the subdivision had not been granted yet. Hansen said they were up against the deadline of the property going into foreclosure and that

the county basically wants to get paid for taxes as much possible, probably allowed for the taxes to be paid for the smaller portion only.

Scriber said that the Planning Board should have had the entire story before they reviewed and approved the subdivision in February. Hansen said that the subdivision actually took care of some of the problems with the property and that Tucker is fine and the amount of taxes left over is legitimate. Gagnon said the issue now is that Petrovic cannot pay the taxes. Hansen said to base the decision on the merits of the case, not the taxes that were paid. Scriber questioned how their decision can be done timely enough for Petrovic. Hansen said it can because she has someone that is interested in the property and that there is a legal agreement.

Gagnon commented that subdivision is more or less entitled as long as you can satisfy the conditions for it. Strichartz remarked that the Board should aim themselves in the direction to help their neighbor not lose their house if it can be done legally. Gagnon said that this should be treated as a standard subdivision and there is no financial impact to the applicant to do so, it is just a longer process because it is usually two-phased. Rundle asked if a Public Hearing can be held next month and at the very same meeting vote on final approval. Hansen said that he understands you can.

Petrovic stated that her home had to be vacant by May 31st and that on June 12th there would be an auction. Hansen advise Petrovic to get her potential buyer on the ball and to follow the agreement and pay the taxes before the end of the month so that the foreclosure does not take place and the subsequent auction will therefore not take place. Gagnon said the potential buyer has up until May 31st to pay the taxes.

After a lengthy discussion the Planning Board decided to treat the Petrovic case as a standard subdivision and agreed to schedule a Public Hearing in June and if appropriate the Board will take final action at the same meeting.

MOTION - Schedule a Public Hearing for June for a Standard Subdivision at 119 West Miller Road, Tax Parcel # 7.-1-65.2, applicant Jasmina Petrovic.

Moved by Strichartz, Second by Gagnon

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

The motion passed

Project: Minor Subdivision

Location: 552 Comfort Road, Tax Parcel # 8.-1-31.22

Applicant: Sue Oltz for the Oltz Living Trust

Anticipated Board action(s) this month: Determination of Environmental Significance; Preliminary & Final Approval

Project Description: The Applicant proposes to subdivide the existing 78.66-acre property, currently joined by a tie line across Comfort Road, into two parcels: Parcel A, measuring 34.423 acres, with 627.83 feet of frontage on Comfort Road, 1887.90 feet of depth; and Parcel B, measuring approximately 44.237 acres with approximately 944 feet of frontage on Comfort Road, approximately 794 feet of depth. 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.

The Planning Board reviewed the Short EAF Part 1 to the Oltz parcel and noted the following changes:

5A – Change from N/A to Yes it is a permitted use

5B – Change from N/A to Yes it is a permitted use

10 – Unmark because the question is not applicable or add N/A as an option

11 – Unmark because the question is not applicable or add N/A as an option

Strichartz commented that there is a water shortage in that area and that it should be noted because people are running out of water. Rundle said that until someone buys it and does something with it, there is no way of knowing what the impact will be on water. Strichartz added that she has been discussing the water issue and the low aquifer in that area for almost 20 years and that no action has been taking in that area regarding zoning changes.

PLANNING BOARD RESOLUTION NO. 27 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, 552 COMFORT ROAD, TAX PARCEL NO. 8.-1-31.22

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. 8.-1-31.22, by Sue Oltz, Applicant and Oltz Living Trust, Owner; and

Whereas the Applicant proposes to subdivide the 78.66-acre property, currently joined by a tie line across Comfort Road, into two parcels: Parcel A, measuring 34.423 acres, with 627.83 feet of frontage on Comfort Road, 1887.90 feet of depth; and Parcel B, measuring approximately 44.237 acres with approximately 944 feet of frontage on Comfort Road, approximately 794 feet of depth; 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 legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Zoning Ordinance, Article IX, § 904(2) and a Public Hearing was held on April 27, 2017; and

Whereas the Planning Board, being the local agency which has primary responsibility for approving the action, did on March 16, 2016 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on May 18, 2017 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 for KSV Irrevocable Trust Located on East Side of Comfort Road, Town of Danby," prepared by Williams & Edsall Land Surveyors, P.C., and dated 3/2/2017; and other application materials;

Now Therefore, be it

Resolved that the Town of Danby Planning Board determines the proposed Minor 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.

Gagnon suggested adding a **Whereas** which states that a Public Hearing was held on April 27, 2017.

MOTION - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

Moved by Rundle, Second by Davis

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

The motion passed

PLANNING BOARD RESOLUTION NO. 28 OF 2017 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, 552 COMFORT ROAD, TAX PARCEL NO. 8.-1-31.22

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. 8.-1-31.22, by Sue Oltz, Applicant and Oltz Living Trust, Owner; and **Whereas** the Applicant proposes to subdivide the 78.66-acre property, currently joined by a tie line across Comfort Road, into two parcels: Parcel A, measuring 34.423 acres, with 627.83 feet of frontage on Comfort Road, 1887.90 feet of depth; and Parcel B, measuring approximately 44.237 acres with approximately 944 feet of frontage on Comfort Road, approximately 794 feet of depth; 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 legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Zoning Ordinance, Article IX, § 904(2) and a Public Hearing was held on April 27, 2017; and

Whereas the Planning Board, being the local agency which has primary responsibility for approving the action, did on March 16, 2016 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on May 18, 2017 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 for KSV Irrevocable Trust Located on East Side of Comfort Road, Town of Danby," prepared by Williams & Edsall Land Surveyors, P.C., and dated 3/2/2017; and other application materials;

Whereas the Planning Board did on May 18, 2017 make a Negative Declaration of Environmental Significance for the project; 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 VI, § 601 II.H. Hearing and Notices; 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 Minor Subdivision of Town of Danby Tax Parcel No. 8.-1-31.22, by Sue Oltz, Applicant and Oltz Living Trust, Owner, subject to the submission of the final approved plat, having a raised seal and signature of a registered licensed surveyor, filed with the Tompkins County Clerk within six (6) months.

Gagnon suggested adding a **Whereas** which states that a Public Hearing was held on April 27, 2017.

MOTION - PRELIMINARY AND FINAL APPROVAL

Moved by Rundle, Second by Strichartz

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

The motion passed

(6) BOARD DISCUSSION – HOUSING

Gagnon reported on the well-attended Housing Summit last fall, which assesses the housing needs in the area, and was hosted by Martha Robert. Gagnon said that much of the information had been incorporated into a preliminary plan which will be going before the legislature. Gagnon stated that the housing strategy that is in place now has a focus on developing those parts of the county where infrastructure is already in place and that there is also a “bow” to those historical areas or “rural nodes” (like Danby) where infrastructure is not in place but are still part of the plan.

Gagnon said that West Danby was left out and that the Danby node is a circle around 96B, close to bus routes and public transportation. Gagnon said that trying to make it happen is the challenge because the targeted community may or may not be in support of the growth. Gagnon said that the builders are more than willing to build, but facilitating the process is what is difficult and that we need to make the process easier for them.

Strichartz commented that there is already too much traffic in Ithaca as it is. Scriber said the goal is to try and eliminate some of the cars on the road. Scriber asked how much new growth was happening in Danby now. Hansen said that 20 per year would be on the high side. Gagnon said that the growth is focused on the nodes and the goal is to prevent sprawl. Rundle asked how that growth was possible without adequate water and sewer. Hansen added that C.J. submitted an applicant with the state for a grant to fund the construction of sidewalks along 96B.

(7) BOARD DISCUSSION OF ZONING, PDZ, AND SPECIAL PERMITS

Rundle commented that at one point there was a list of the PDZ and wanted to continue the dialogue to address those PDZ that are not in use and make some recommendations to the Town Board. Davis added that it would be well worth reviewing the special permits by right too and make recommendations to the Town Board to vastly restrain them.

Rundle added that there are a lot of PDZ not in use and that do not make any sense. Hansen added that C.J. is already working on it and anticipates that there will be a list of proposed changes to existing PDZ by the end of the summer.

Rundle said that the term “special permit” leads people to believe that they need to get a special permit to do it, when in fact they do not and have those by right. Rundle said that we should not have a long list of things allowed by special permit, when in fact the Planning Board can rarely if ever constrain them and that the process should be changed.

Hansen suggested to ask C.J. directly at each meeting for an update on where things stand, because we all get busy. Strichartz asked Hansen to provide a copy of the list of PDZ. Hansen also recommended that the Planning Board review the zoning ordinance on-line.

Rundle suggested to add a discussion of PDZ to next month’s agenda and made a motion:

MOTION – Add PDZ as a discussion topic to June’s agenda to eliminate unused PDZ w/input and update from C.J.

Moved by Rundle, Second by Scriber

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

The motion passed

Davis said that he would like to draft a letter to the tax assessment office regarding the Petrovic/Tucker exchange questioning exactly what happened. Hansen added that he explain pretty clearly what had happened and that in the fall of 2016 Tucker was able to file the deed through his lawyer. Rundle stated that it might make a difference to have a written letter from the Planning Board stating that we are confused by the details of this case. Hansen said that a mistake was found in the process.

(8) PLANNING & ZONING REPORT

C.J. Randall was absent from the meeting, there was no Planning & Zoning report.

(9) ADJOURNMENT

The meeting was adjourned at 9:01 pm.