

Town of Danby Planning Board
Minutes of Regular Meeting
March 15, 2018

DRAFT

PRESENT:

Edward Bergman
Scott Davis
Joel Gagnon
Jim Rundle
Jody Scriber
Naomi Strichartz
Frank Kruppa

OTHER ATTENDEES:

Town Board	Leslie Connors
Town Planner	C.J. Randall
Recording Secretary	Kelly Cecala
Public	Martha Taras, Lorraine Bard, David Kingsbury, Brian Horvath, Denise Horvath, Earl E. (at 19 Makarainen Rd.), Nathan Clark, Alexis Abramo, Ross Creagan, Jim Henion, Katharine Hunter, Bob Bartholk, Joe Petricola, James L. (at 79 E. Miller) Erik Frank, Matt Ulinski, Jan Jolles, Sarah Wicker, Michael Morris, Graham Morris, Elrik McCheyne, Bridget McKeon, Ted Crane, Lisa Trust,

The meeting was opened at 7:05 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

There were no changes made to the agenda.

(2) PRIVILEGE OF THE FLOOR:

David Kingsbury lives 800 feet from the Layen Rd. subdivision proposal and expressed his concerns about the poor road condition and low water yield. Kingsbury said his well gets less than a gallon per minute and that his neighbor has had two wells run dry twice within the past 15 years. He said that the National Geologic Survey showed that the hillside was not hooked up to an aquifer; that the water to the wells was from veins in the bedrock.

Kingsbury said that if wells are over-drawn, then crystals can form in the water veins, causing even less water flow. He added that the nearby apartment complex has water delivered daily in the summertime. Kingsbury questioned what research and geological surveys had been done by the Town.

Kingsbury also remarked on the poor road conditions in the area and said that more houses would cause more traffic and that the road is already stressed and shared by both Newfield and Danby.

There were no other comments made from the public.

(3) APPROVAL OF MINUTES:

Approval of the February 2018 minutes was deferred to April's meeting. Bergman did comment that Frank's last name was miss-typed as "Zuppa" which needed correction.

(4) ACTION ITEMS:

Project: Minor Subdivision

Location: East Miller and Troy Roads, Tax Parcel # 7.-1-30.2

Applicant: Jessica and Justin Sczepanski for Sczepanski Farms

Anticipated Board action(s) this month: Declaration of Lead Agency

Project Description: The Applicant proposes to subdivide the existing 165.35-acre property into two parcels: Parcel A, measuring 3.02 acres and vacant and Parcel B, measuring 162.33 acres with existing house. 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 an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

Gagnon noted that the resolution suggests a total parcel size measuring 165.35 acres, however the map did not show the entire parcel being considered for subdivision. The Board unanimously agreed that a larger map, which showed the entire parcel and the existing house, would be needed. Kruppa instructed the applicant to work with Randall to make this map available to the Board. Gagnon also asked the applicant why he choose the specific area for the subdivision; the applicant responded that it was the poorest area for farming.

PLANNING BOARD RESOLUTION NO. 6 OF 2018 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, EAST MILLER AND TROY ROADS, TAX PARCEL #7.-1-30.2

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. 7.-1-30.2, by Sczepanski Farms, Owner, and Jessica and Justin Sczepanski, Applicants; and

Whereas the Applicant proposes to subdivide the existing 165.35-acre property into two parcels: Parcel A, measuring 3.02 acres and vacant, and Parcel B, measuring 162.33 acres with existing house; 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 #2 – A small-lot minor subdivision is permitted, where the division results in a lot or lots of less than 8 acres, provided that the following criteria are met:

- a. No other division(s) or subdivision(s) involving the parcel being divided except for Land Annexation have taken place within the previous three (3) consecutive years;
- b. The subdivision results in no more than two lots, including the parcel being divided;
- c. Both lots resulting from the subdivision have frontage on a public road maintained year-round;
- d. Both lots resulting from the subdivision meet all other pertinent zoning requirements;
- e. 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;
- f. 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; 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 for Town of Danby Tax Parcel No. 7.-1-30.2, by Szczepanski Farms, Owner, and Jessica and Justin Szczepanski, Applicants.

MOTION – Declaration of Lead Agency

Moved by Strichartz, Second by Gagnon

The motion passed

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

Project: Special Permit – Commissary

Location: 69 Layen Road, Tax Parcel # 8.-1-1.7

Applicant: Brian Horvath

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

Project Description: The Applicant proposes the creation of a Commissary, a nonretail food-processing establishment. A Food Service Establishment (FSE) Operating Permit is also required from the Tompkins County Department of Health. This is an Unlisted action under the Town of Danby Environmental Review of Actions and an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

The Public Hearing had remained open from the previous meeting. Kruppa asked the public if anyone had any comments or questions.

Ted Crane requested an understanding by saying, that in order to be a “Foodservice Establishment” it cannot be a home and (this was) basically being converted to a non-residential commercial property. Kruppa commented that this was inferring a lot and added that what is being considered is only a special permit to operate a commissary at the proposed address

Mr. Horvath provided a written letter to the Board from the water company that would be supplementing water to the parcel on demand.

PLANNING BOARD RESOLUTION NO. 7 OF 2018 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, SPECIAL PERMIT FOR COMMISSARY, 69 LAYEN ROAD, TAX PARCEL #8.-1-1.7

Whereas an application has been submitted for review and approval by the Town of Danby Planning Board for a Special Permit for a Commissary at Town of Danby Tax Parcel No. 8.-1-1.7, by Brian Horvath, Owner and Applicant; and

Whereas this proposal action is reviewed under Article IX: Special Permits, of the Zoning Ordinance of the Town of Danby; 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 January 18, 2018 declare itself the Lead Agency for the environmental review; and

Whereas, this Board, acting as Lead Agency in environmental review, did on March 15, 2018 review and accept as adequate: a Short Environmental Assessment Form (FEAF), Part 1, submitted by the Applicant, and Part 2, prepared by staff;

Now Therefore, be it

Resolved, that the Town of Danby Planning Board determines the proposed Commissary 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.

Strichartz commented that she continues to be concerned about water shortages and said that if the water is not delivered, then there will be no water. She asked if the Board could add a requirement stating that water must be purchased/delivered rather than drawn from the well.

Horvath reassured the Board that the commissary's daily water usage would be less than that of what a normal household would use in a day. Davis asked Horvath if he knew what the gallons per minute rate was. Horvath said that it is very low, around 1/2 gallon per minute. He added that they have a holding tank and that they turn the water off when it is not in use. Rundle asked what the intended use of the water delivery was. Horvath said that it would be supplemental to what his well yielded now.

David Kingsbury showed the Danby area map which listed the water yields and commented that Mr. Horvath's property was actually in the 3-5 gallon per minute range. Kingsbury asked about the legitimacy of the map. Randall said that the data on the map was collected by

Bergman said that it sounded like the commissary would actually draw less water than that of a residency. Rundle said that the motion on the table is asking whether or not this use would have an impact above and beyond the current. Strichartz clarified that the special permit would not be grandfathered to a new property owner - which does not go with the land.

MOTION – Suggested Short EAF Change to 7(a) (impact to private water supply) to “Moderate to Large”

Moved by Strichartz, Second by Davis

The motion failed

Opposed: Bergman, Davis, Gagnon, Rundle, Scriber, Strichartz, Kruppa

MOTION – Determination of Environmental Significance

Moved by Gagnon, Second by Scriber

The motion passed

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

The Public Hearing Closed at 7:30 pm.

PLANNING BOARD RESOLUTION NO. 8 OF 2018 - SPECIAL PERMIT FOR COMMISSARY, 69 LAYEN ROAD, TAX PARCEL #8.-1-1.7

Whereas an application has been submitted for review and approval by the Town of Danby Planning Board for a Special Permit for a Commissary at Town of Danby Tax Parcel No. 8.-1-1.7, by Brian Horvath, Owner and Applicant; and

Whereas this proposal action is reviewed under Article IX: Special Permits, of the Zoning Ordinance of the Town of Danby; 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 January 18, 2018 declare itself the Lead Agency for the environmental review, and

Whereas legal notice was published and adjacent property owners within 1000 feet notified in accordance with the Town of Danby Zoning Ordinance, Article IX, § 904(2) and a Public Hearing was held on February 15, 2018, and continued on March 15, 2018; and

Whereas this Board, acting as Lead Agency in environmental review, did on March 15, 2018, review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2 prepared by staff; and

Whereas the Planning Board did on March 15, 2018 make a Negative Declaration of Environmental Significance for the project;

Now Therefore, be it

Resolved that the Town of Danby Planning Board hereby grants the Special Permit for the Commissary to be valid for a period of one (1) year from the date of this resolution, finding that the standards of Article IX: Special Permits §

901 and § 600 (3)(n), of the Zoning Ordinance of the Town of Danby have been met, subject to the following conditions:

- i. The Applicant must apply for a renewal of the Special Permit not later than 90 days before the expiration of this special permit.
- ii. That upon application for renewal of the Special Permit the property will be subject to an inspection by the Town of Danby Code Enforcement Officer.
- iii. The Applicant must demonstrate continued compliance with Tompkins County Health Department requirements in connection with its application for a Food Service Establishment (FSE) Operating Permit.

Horvath asked what the renewal process would be like. Kruppa stated the renewal would involve comparing the activities over the course of a year, to what was submitted, and if there were large changes then it would give the Board time to reconsider or make revisions before renewing. Rundle, who was absent from the last meeting, asked the Board if the idea to approve this as a special permit was because the use was close to an already permitted use found under special permit - the Board confirmed.

MOTION – Approval of Special Permit for Commissary

Moved by Gagnon, Second by Bergman

The motion passed

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

Project: Rezoning, Minor Subdivision, and Special Permit for Warehouse

Location: 129 Hornbrook Road, Tax Parcel # 10.-1-82.2

Applicant: Robert Bartholf for Petricola-Bartholf Partnership

Anticipated Board action(s) this month: Public Hearing; Official recommendation to Town Board in accordance with Town of Danby Zoning Ordinance Section 800(3)

Project Description: The Applicant proposes to rezone 2.237 acres of the 108.89-acre parcel to zone Commercial "C." The Applicant proposes to subdivide the existing 108.89-acre property into two parcels: Parcel A, measuring 2.237 acres with existing 8,800 sq. ft. warehouse; and Parcel B, measuring 106.653 acres and formerly operated as vehicle dismantler Autosalvage of Ithaca, Inc. The property is currently zoned Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet. A portion of the property is also located in the Aquifer High Vulnerability (AHV) Overlay Zone. The Applicant is also requesting a Special Permit to utilize the existing 8,800 sq. ft. building as a Warehouse. This is a Type I action under the Town of

Danby Environmental Review of Actions and an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

The Public Hearing Opened at 7:34 pm.

There were no comments from the public.

The Public Hearing Closed at 7:35 pm.

PLANNING BOARD RESOLUTION NO. 9 OF 2018 - RECOMMENDATION TO TOWN BOARD REGARDING REZONING, MINOR SUBDIVISION, AND SPECIAL PERMIT, 129 HORN BROOK ROAD, TAX PARCEL NO. #10.-1-82.2

Whereas an Application has submitted for proposed rezoning of 2.237 acres of the total 108.89-acre tax parcel 10.-1-82.2 to zone Commercial "C," located at 129 Hornbrook Road, from the current zoning as Low Density Residential, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant; and

Whereas this is a rezoning action under Section 800 of the Zoning Ordinance of the Town of Danby, for which the completed application was received January 17, 2018; and

Whereas an Application has been submitted for concurrent review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 10.-1-82.2, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant; and

Whereas the Applicant proposes to subdivide the existing 108.89-acre property into two parcels: Parcel A, measuring 2.237 acres with existing 8,800 sq. ft. warehouse; and Parcel B, measuring 106.653 acres and formerly operated as vehicle dismantler Autosalvage of Ithaca, Inc.; and

Whereas the Applicant is additionally requesting a Special Permit to utilize the existing 8,800 sq. ft. building as a Warehouse; and

Whereas the Applicant is proposing adaptive reuse of the existing 8,800 sq. ft. warehouse and no new construction is required to facilitate private capital investment required to renovate and reuse the existing building within this area, which is in proximity to the Central Hamlet; and

Whereas pursuant to the provisions of the Zoning Ordinance of the Town of Danby, the Planning Board is required to hold, and did hold, within 62 days of the filing of the completed application with the Planning Board, a Public Hearing on March 15, 2018, which was heard by the Planning Board to assure full opportunity for citizen participation; and

Whereas pursuant to the provisions of Section 800 of the Zoning Ordinance of the Town of Danby, the Planning Board is required to recommend, by resolution;

Now Therefore, be it

Resolved that the Planning Board of the Town of Danby hereby recommends the draft rezoning proposal of 2.237 acres of the total 108.89-acre tax parcel 10.-1-82.2 to zone Commercial "C."

Gagnon commented that this proposed use is a considerably less impactful use of the land compared to when it was an auto salvage yard. Gagnon said he appreciated that the owners did not contest the deletion of PDZ1 and that they are (somewhat) entitled to a reasonable use of the space. Strichartz agreed but added that the Town Board should also consider what the neighbors have to say because Hornbrook is tightly developed. Randall said that if the rezoning was approved by the Town Board, then the applicant would be back to see the Planning Board for a special permit anyway.

MOTION – Recommendation to Town Board for Rezoning

Moved by Gagnon, Second by Strichartz

The motion passed

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

Project: Henion Family Trust Standard Subdivision

Location: 84 Layen Road, Tax Parcel # 8.-1-1.3

Applicant: James G. Henion for The Henion Family Trust

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

Project Description: The Applicant proposes to subdivide the existing 66-acre property into three parcels: Parcel 1, measuring 31.19 acres with existing Private Airplane Landing Field, approved by Special Permit on June 13, 1983; Parcel 2, measuring 31.73 acres with existing house; and Parcel 3, measuring 4.39 acres and vacant. 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 a Type I action under the Town of Danby Environmental Review of Actions and an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

The Public Hearing Opened at 7:40 pm.

Martha Terrace, whose family owns the property that abuts the Henion's, said she is not opposed to development of the land, but added that she has a lot of concerns about water. Terrace provided a brief history of how her family bought the property in the 40's when it was undeveloped open space with no public utilities and although she did not grow up there her family has maintained ownership. Terrace added that with all the sprawl and development in the area, there are still no public utilities, very poor roads, and only a volunteer fire department.

Terrace stated that the Henion's have two air strips which required a lot of grooming to the contoured land. Terrace said that this development up-rooted the top soil and removed much of the tall grasses which now causes water to "gush" onto her property frequently during heavy rains.

Terrace said that her neighbor across the street, at 164 West Jersey Hill Rd., had a well built in 1998 and had trouble finding water, and that the Burgess' (who have 5 children) only flushed the toilet once a day and often times borrowed water from her for cooking. Terrace said that she is very conservative with her water usage.

Kingsbury asked again what type of testing and surveying was done to generate the water yield map found on the Town's website. Randall said the data comes from a U.S. Geological Survey. Strichartz added that Danby is sitting on a very low aquifer. Kingsbury added that Town Government should do the research and that "humanity is like yeast, it's just going to grow..." Randall said that some of the data is from the 70's. Kruppa commented that the Town has done a lot of research, has an Aquifer Protection Law, and always uses professional references in their data collection.

Horvath said that the Town does put a lot of money into annual maintenance on the roads, yet they continue to be very bad.

Sarah Wicker, who lives on Town Line Rd., also has water concerns and had to dig a new well when they first moved in. She commented that the subdivision leaves large parcels and was hoping no more than one home would be built. Wicker added to the road discussion, saying that the rain causes major pot holes and unsafe muddy conditions.

Bergman asked Henion how much development he was planning to build. Henion said that when his wife passed away a year ago, he decided that it is time to downsize. He said that good friends of his were interested in buying some of the land with no intentions to build at this time. Henion said he changed the subdivision from four parcels down to only three.

Henion added that he very much appreciates Danby and takes good care of his land. Henion said his well is 100 feet deep, which gets 5-6 gallons per minute, and that they raised five kids in their home. Henion did acknowledge that the water issue is spotty and that he was very lucky. Henion also commented on the roads. He said that when we moved there 50 years ago, his wife said that the roads were terrible, and that they still are.

There were no other comments from the public.

Kruppa reminded the Board that the EAF (long-form) was reviewed and the last meeting with recommended changes.

PLANNING BOARD RESOLUTION NO. 10 OF 2018 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, STANDARD SUBDIVISION, 84 LAYEN ROAD, TAX PARCEL NO. #8.-1-1.3

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.-1-1.3 for The Henion Family Trust, Owner, James G. Henion, Applicant; and

Whereas the Applicant proposes to subdivide the existing 66-acre property into three parcels: Parcel 1, measuring 31.19 acres with existing Private Airplane Landing Field, approved by Special Permit by the Town Board of the Town of Danby on June 13, 1983; Parcel 2, measuring 31.73 acres with existing house; and Parcel 3, measuring 4.39 acres and vacant; 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 a Type I Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under 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 February 15, 2018 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on March 15, 2018 review and accept as adequate: a Full Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "Subdivision Plat, Lands of Henion Family Trust," prepared by Reagan Land Surveying, and dated Jan. 24, 2018; 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.

MOTION – Determination of Environmental Significance

Moved by Gagnon, Second by Bergman

The motion passed

In Favor: Bergman, Davis, Gagnon, Scriber, Strichartz, Kruppa

Abstain: Rundle

The Public Hearing Opened at 8:00 pm.

PLANNING BOARD RESOLUTION NO. 11 OF 2018 - PRELIMINARY AND FINAL APPROVAL, STANDARD SUBDIVISION, 84 LAYEN ROAD, TAX PARCEL NO. #8.-1-1.3

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.-1-1.3 for The Henion Family Trust, Owner, James G. Henion, Applicant; and

Whereas the Applicant proposes to subdivide the existing 66-acre property into three parcels: Parcel 1, measuring 31.19 acres with existing Private Airplane Landing Field, approved by Special Permit by the Town Board of the Town of Danby on June 13, 1983; Parcel 2, measuring 31.73 acres with existing house; and Parcel 3, measuring 4.39 acres and vacant; 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 a Type I Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under 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 February 15, 2018 declare itself the Lead Agency for the environmental review; and

Whereas this Board, acting as Lead Agency in environmental review, did on March 15, 2018 review and accept as adequate: a Full Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "Subdivision Plat, Lands of Henion Family Trust," prepared by Reagan Land Surveying, and dated Jan. 24, 2018; and other application materials;

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 the Planning Board did on March 15, 2018 make a Negative Declaration of Environmental Significance for the project; and

Whereas the Planning Board held the required Public Hearing on March 15, 2018; 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.-1-1.3 for The Henion Family Trust, Owner, James G. Henion, Applicant, 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.

Davis commented that there still appears to be a question on the validity of the actual water yields versus the study done decades ago. He asked is the study could be somewhat augmented to make it more relevant. Randall said that the water yields found on the map actually do correlate with what the residents reported.

Strichartz said that the water supply has deteriorated over the years and that the map does at least show a "good picture" of where water is and where it is not. Kingsbury reiterated that if you over-draw on a water system, crystals form, causing even less water to come out.

Terrace added that because the elevations are so steep, and her property sits below the Henion's, any new construction should be mindful of properly grading and contouring the land. Terrace reiterated that her property currently gets a lot of the downhill water run-off.

MOTION – Final Approval

Moved by Gagnon, Second by Bergman

The motion passed

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

Project: Frank Minor Subdivision

Location: 14 Makarainen Rd, Tax Parcel # 4.-1-29.2

Applicant: Erik P. Frank

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

Project Description: The Applicant proposes to subdivide the existing 8.47-acre property into two parcels: Parcel A, measuring 3.00 acres and vacant and Parcel B, measuring 5.73 acres with existing house. 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 an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

Randall commented that the applicant wished to speak to the Board before a public hearing was called because the applicant did not wish to advance the project as is. Frank said he lives in Brooktondale and originally wanted to do a Minor Subdivision to split his 8 acres of land so he could build another home.

Frank said that after speaking with neighbors (Mike Morris and Lisa Trust) he has now decided not to do it and has withdrawn his application. He said that he enjoys a “slow” life and definitely does not want to alter the character of the neighborhood. Frank is now considering a flag-lot behind the existing house and would grant a conservation-annex, to prevent future subdivision, to Morris and Trust.

Alexis Abramo lives across the street from the proposed parcel and raised concerns about future development there. She acknowledged that Frank retracted his application (for now) but stated that the area was a wetland and said that the environmental impacts need to be considered before any future development is proposed.

Abramo said that she has gotten to know the tenants in the existing rental house who have expressed having several safety issues in the home, i.e. no railings, improperly built steps and an uncovered septic system. Kruppa explained to the public that nothing was being considered by the Board tonight. Kruppa said that Frank will need to first go to the BZA. If granted then the applicant would be back in front of the Planning Board and residents would have another opportunity to address their concerns during the Public Hearings.

(6) RECORDING SECRETARY RESIGNATION

Kruppa announced that Kelly Cecala has resigned from the Recording Secretary position and thanked her for her service.

(7) PLANNING & ZONING REPORT

Randall said that seven (7) new applicants have already been received for the Recording Secretary position.

Randall spoke about the TCAT Park-n-Ride proposal and relayed the suggestions that were received, which included a new bike rack adjacent to the bus shelter and an enclosed bus shelter. Deputy Highway Superintendent Jack Shawley has been working with the DOT to determine exactly where the highway right-aways are located. Randall said that having two (2) EV-charging stations were also being explored as well as a

beautification grant. Randall welcomed ideas for landscaping and other aesthetics. Rundle asked who paid the electric bill for the EV. Randall said that Town would pick up the bill but that the projected amount would be negligible.

Randall reported on a recent EMC meeting. She commented on their annual review of the UNA (unique natural areas) and stated that the EMC has provide some great recommendations. Randall also mentioned an EMC Wetlands Mapper presentation, which had not always been a topic of discussion, but that it is now on the County's radar.

Randall mentioned she had just returned from a municipal info-structure roundtable discussion at Syracuse University, in the search for information and grants for water and waste water info-structure planning.

Randall said they are still assembling the zoning audit questions and that she had only received input from Davis and Scriber thus far.

Randall reported that the Cayuga Lake water shed network and inner-municipal organization are having a water shed summit at Seneca Falls on April 19th and that she would be a presenter.

Randall said that many people have been asking about the Gunderman Rd. bridge closure. She reported that the bridge has a hole in it and that engineers would either be certifying it or taking it out of commission.

Connors commented that Elizabeth Lamb has filled the BZA vacant seat and that David Hall left the BZA back in January. Kruppa asked Connors to communicate to the Town Board what was heard tonight at Town Line Road and Layen Road.

Strichartz said she is worried about water and that the narrow rural roads are running dry. She stressed that there should be not be any new development in those areas.

There was continued discussion about the Makarainen Rd. wetland. Gagnon commented that the DEC wetlands map does not account for anything smaller than 12 acres therefore it would not be regulated by the state but perhaps the federal government.

Randall added that if the parcel is a wetland that is classified by the state or federal government then a permit would need to be applied for and the DEC would evaluate it. Randall also discussed and reviewed the SEQR process.

A resident commented that the septic system was not functioning. He said the sand filter was sitting on top of the soil. Kruppa said that the health department needed to be called immediately.

(8) ADJOURNMENT

The meeting was adjourned at 8:44 pm.

Kelly Cecala – Recording Secretary