

Town of Danby Planning Board
Minutes of Regular Meeting
December 20, 2018

PRESENT:

Ed Bergman
Scott Davis
Joel Gagnon
Bruce Richards
Jody Scriber
Jim Rundle (Chair)

ABSENT:

Naomi Strichartz

OTHER ATTENDEES:

Town Board liaison	Leslie Connors
Recording Secretary	Alyssa de Villiers
Public	Erik Frank, Mike Morris, Lisa Trust, Matt Ulinski

The meeting was opened at 7:05pm.

(1) CALL TO ORDER / AGENDA REVIEW

A review of Board members' terms was added as agenda item two.

(2) TERM REVIEW

In order of term end date (terms run through the end of the year listed):

2018, Bruce Richards
2019, Naomi Strichartz
2020, Jim Rundle
2021, Ed Bergman
2022, Jody Scriber
2023, Scott Davis
2024, Joel Gagnon

(3) PRIVILEGE OF THE FLOOR

No comments were made during privilege of the floor.

(4) APPROVAL OF MINUTES

MOTION: Approve Nov. 29th meeting minutes

Moved by Gagnon, seconded by Scriber

The motion passed.

In favor: Bergman, Davis, Gagnon, Richards, Scriber, Rundle

(5) TOWN BOARD LIAISON REPORT

Leslie Connors shared the following information:

- Bruce Richards' term runs through the end of December 2018. He is so far the only person who has applied for the seat in 2019.
- The joint scoping meeting between the Town Board and the Planning Board will be sometime in February.
- Beginning in January, the Town Board will try meeting on the first and second Mondays of the month rather than the second and third.
- The Town Board has moved to asking members of the public to only speak during privilege of the floor and to please refrain from commenting during discussions of the Board. If there is time after Board discussion, the Chair may allow public comment again.

(6) ACTION ITEMS

Project: Rezoning and Modification of Site Plan, White Hawk Ecovillage Planned Development Zone 19

Location: White Hawk Lane, Tax Parcel Nos. 7.-1-68 and 7.1-1-1 through-32

Applicants: Greg Nelson and Mark Pruce

Owner: White Hawk Ecovillage Community, Inc.

Anticipated Board action(s) this month: Review of Modified Site Plan

Project Description: Applicants propose to replace the entirety of the White Hawk Ecovillage Local Law No. 3 of 2007 and Modify Site Plan approved by the Planning Board on June 21, 2007. 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.

No action was taken on this item as the County is waiting on the utility plan from the applicants to complete a 239 Review.

Project: Minor Subdivision

Location: 14 Makarainen Rd, Tax Parcel No. 4.-1-29.2

Applicant: Erik P. Frank

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

Project Description: The Applicant proposes to subdivide the existing 8.47-acre property into two parcels: Parcel A, measuring 2.00 acres with existing house and Parcel B, measuring 6.73 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 an Unlisted action under the State Environmental Quality Review Act and is subject to environmental review.

Davis asked about a septic field leak that neighbors brought up the last time this action was before the Board. Erik Frank, the property owner, then spoke about this issue. He explained that the site of the septic field had drainage issues leading to a buildup of standing water on top of the leach field. He has since spoken with the Health Department who did an assessment; through a dye test they found that dye did not come up in the sand filter but did in the leach field. Frank hired Carson Groundworks to fix the issue, and they put in swales and will follow up in the spring to ensure the solution is still working during that very wet time.

Frank also explained the current plan for the land; there had previously been opposition from neighbors about selling some of the land as a buildable lot. Now he will subdivide the land and sell the larger plot to his neighbors to the east, Mike Morris and Lisa Trust, who do not intend to add any residential structures to the land. They did look into doing a land annexation, but this was not feasible in terms of financing.

Morris said that the word “subdivision” gets many people upset because they think of a development; he will talk to his neighbors prior to the public hearing to explain their plan. Rundle clarified that even if their intent is not to build, it is reasonable for neighbors to worry as this would now be a legally buildable lot. Morris stated that they do not intend to develop the land but may want to grow something on it. He and Trust expressed interest in a conservation easement after it was explained that the land could still have many uses as long as no permanent residential or commercial structures were set up.

Regarding consolidation, as Morris and Trust may well decide to consolidate the plot with their existing land, Gagnon pointed out that the policy should be discussed. The County can only consolidate “for tax purposes;” for a consolidation to occur the Town of Danby must sign off on it, which could either be a Board action or administrative.

The Environmental Review had not changed, and the Board moved to set a public hearing for next month.

MOTION: Set public hearing for January 17th at 7:00p.m.

Moved by Gagnon, seconded by Bergman

The motion passed.

In favor: Bergman, Davis, Gagnon, Richards, Scriber, Rundle

Project: Minor Subdivision

Location: 329 Nelson Rd, Tax Parcel No. 4.-1-32.22

Applicant: John R. Barber

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

Project Description: The Applicant proposes to subdivide the existing 12.02-acre property into two parcels: Parcel A, measuring 10.02 acres and undeveloped and Parcel B, measuring 2.00 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.

The applicant, John Barber, plans to sell the smaller Parcel, Parcel B, to his brother. This leaves a very unusual shape for Parcel A. The Board had a number of questions and the applicant was not present to answer them. These included why Parcel A has a corridor to the east of Parcel B, whether the same effect as the corridor could be achieved with a right of way if the only purpose is access to the wood lot to the east, and whether that corridor or the one running behind (to the south of) Parcel B would preclude building in the back woodlot due to insufficient ingress and egress. The Board also wanted to hear the applicant's plans for Parcel A. Richards pointed out that, on the provided map, the property to the east has a driveway that crosses into part of the property in question, so there may be an issue of property boundaries or encroachment. Scriber brought up the issue of setting a precedent.

Due to the number of unanswered questions and a desire to consult the Fire Department regarding ingress and egress safety in narrow corridors, no public hearing was set.

MOTION: Declaration of Lead Agency

Moved by Gagnon, seconded by Richards

The motion passed.

In favor: Bergman, Davis, Gagnon, Richards, Scriber, Rundle

PLANNING BOARD RESOLUTION NO. 30 OF 2018 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, 329 NELSON ROAD, TAX PARCEL #4.-1-32.22

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. 4.-1-32.22, by John R. Barber, Owner and Applicant; and

Whereas the Applicant proposes to subdivide the existing 12.02-acre property into two parcels: Parcel A, measuring 10.02 acres and undeveloped and Parcel B, measuring 2.00 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 of 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. 4.-1-32.22, by John R. Barber, Owner and Applicant.

Project: Tourist Home

Location: 1849 Danby Rd., Tax Parcel No. 10.-1-49.2

Applicant: Olivia Vent

Anticipated Board action(s) this month: Preliminary Approval

Project Description: The applicant is proposing the approval of a special permit for a tourist home on tax parcel 10.-1-49.2. The project is within an existing structure and is located in the Low Density Residential Zone. This is an Unlisted action under the Town of Danby Environmental Quality Review and State Environmental Quality Review Act.

The applicant, Olivia Vent, submitted a letter explaining that she would like to use one unit in each of two rental residences, one with three total units and one with two total units, in an Airbnb capacity.

The Board felt that this application was not for a tourist home as per the definition of tourist home:

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation provided that such use is secondary to the occupancy of the dwelling by a family. Tourist homes include bed and breakfasts providing that the use is secondary to the occupancy of the dwelling by a family.

In this case, the residences in question have units that are being rented, but it is not clear that the short-term rental is secondary to occupancy. Randall agreed that she may have misclassified this action. Gagnon pointed out that there is nothing in the Zoning Ordinance that says a home rental must be long-term.

The Board concluded that the applicant could rent as she chooses until the Town Board addresses the issue of short-term rentals. They did not want to set a precedent regarding short-term rentals like Airbnb in the absence of it being addressed in the Zoning Ordinance. No further action was taken.

(7) PLANNING AND ZONING REPORT

C.J. Randall, Town Planner, reported the following:

- She will be out of the office until Monday January 7th.
- Jim Rundle and Earl Hicks will remain Chair of the Planning Board and Chair of the Board of Zoning Appeals respectively.
- There will be a Doodle poll to schedule the upcoming joint scoping meeting.
- The first draft of the Natural Resource Inventory is with the Conservation Advisory Council. It will then make its way to the Planning Board.
- There was an Emergency Planning Group meeting held, now to meet quarterly, with many participants including the West Danby Fire Department and the Danby Fire Department. Town Clerk Goddard and Deputy Town Supervisor Brenner are helping to spearhead the effort on emergency planning. Brenner has been working with the Tompkins County Emergency Response Task Force to look at EMS (emergency medical services) issues including rural emergency services going into the future.
- The Highway Department executed its Clean Energy Communities project to begin wastewater recycling on site.
- The Brown Rd. stabilization project is in its final iteration. The Town won three BRIDGE NY awards; culvert replacement projects include one on Bruce Hill Rd., one on Jersey Hill Rd., and one on Gunderman Rd.
- The grading for the TCAT Park & Ride has been done.
- Randall met with the timber harvesting subcommittee to discuss what seemed reasonable in terms of regulations. Discussion included removing agriculture from exempt status in relation to the Roads Use Law, although this may be a problem for the NYS Department of Agriculture and Market, and amending the Stormwater Law to require a threshold at which someone would have to

prepare a SWPPP; it was not clear what that threshold might be. The question of whether setbacks from streams and steep grade limitations are reasonable also came up. It was agreed that notification of timber harvesting operations should be given to the Town Clerk, Highway Department, and Code Enforcement Officer.

- The Town won the money for a housing needs assessment through New York's Consolidated Funding Application (CFA). The Town will likely hire a consulting firm to help with this. The assessment will hopefully translate into HUD (Department of Housing and Urban Development) money to help low income residents qualify to fix their homes. It will also be possible to see if there is any overlap between quality of housing and the need for EMS services.

(8) REVIEW OF 2019 WORK PLAN

This agenda item was postponed.

(9) ITEMS FOR NEXT AGENDA

No items were added to next month's agenda.

(10) ADJOURNMENT

The meeting was adjourned at 8.25pm.

Alyssa de Villiers – Recording Secretary