

Town of Danby Planning Board
Minutes of Regular Meeting
February 18, 2020

PRESENT:

Ed Bergman
Kathy Jett
Elana Maragni
Bruce Richards
Jody Scriber
Jim Rundle (Chair)

ABSENT:

Scott Davis

OTHER ATTENDEES:

Town Planner	Jason Haremza
Recording Secretary	Alyssa de Villiers
Public	Connor Baker, Jeff Baker, Julie Baker, Karen Baker, George Blanchard, Margaret Corbit, Andy Cove, Kathie DeWolfe, Francis Feeney, Mary Fisher, Michelle Fullagar, Joel Gagnon (Town Supervisor), Robert Goggs, Rick Hardesty, Valarie Kranz, Brian Miller, Steve Ryan, Ashley Ulacco, Matt Ulinski (Town Councilperson)

The meeting was opened at 7:03pm.

(1) MEETING WITH STAFF

Planner Haremza reviewed the materials for the cases with the Board.

(2) CALL TO ORDER / AGENDA REVIEW

The meeting was called to order at 7:08 p.m. There were no additions or deletions to the agenda.

(3) PRIVILEGE OF THE FLOOR

Margaret Corbit (143 Howland Rd.) said she had asked to be on the agenda. She asked the Town consider the situation with the hemp farm on Howland Rd. and also engage the Town's lawyer to review the documents that nine out of ten of the households gathered regarding the legality of the farm. She

encouraged the Planning Board to look at the question of whether the drying that takes place on the farm is light industry. She said they have done as much as they can as individuals.

Board member Richards said that he is encouraging the Town Supervisor and the Town to talk to the Department of Agriculture and Markets (Ag & Markets) to get in writing statements that were made to Richards at a hemp conference—that drying is part of growing and agriculture, but custom drying from authorizations that are off the property and if the volume builds, as it has, would be considered light industry. Light industry is a prohibited use in the Low Density Residential zone. Supervisor Gagnon said he had consulted with the attorney for the Association of Towns to see how to reasonably distinguish between agriculture and industry. Chairman Rundle said that consulting a lawyer regarding the legality of the farm would be something to take to the Town Board. Planner Haremza noted that this issue was also on the agenda under "Planner's Report."

Andy Cove (111 Beardsley Lane) asked about the outcome of an area variance for a property owned by Ithaca College (109 Loomis Court). He was told that the variance had been granted by the Board of Zoning Appeals (BZA) at the January 28th meeting.

(4) APPROVAL OF MINUTES

MOTION: Approve January 16, 2020 minutes

Moved by Richards, seconded by Scriber

The motion passed.

In favor: Jett, Maragni, Richards, Scriber, Rundle

Abstain: Bergman

(5) TOWN BOARD LIAISON REPORT

Leslie Connors was absent so Joel Gagnon gave a brief report:

- The Town Board passed the revision of the Zoning Ordinance to include the "Commercial Design Guidelines for Site Plan Review."
- The Town has opted to participate in hazard mitigation planning.
- People were designated to participate in various intermunicipal organizations.
- There was a public hearing set for February 24th on the Housing Conditions Survey results to hear the report by the consultant and allow for public comment.
- The Town Board is considering the extension of the South Hill Recreation Way. This effort is collaborative between towns. NYSEG agreed to a licensing agreement for the railway bed to make it into a public trail, but the agreement allowed NYSEG to terminate with 120 days notice. Gagnon felt it was not favorable to invest a lot of public money into making the trail if NYSEG can say they want it back so easily. The Town will try to renegotiate that.

- Voters have been asked twice about whether they would be willing to have the position of Highway Superintendant move from an elected position to an appointed one, and twice they said "no." Gagnon said historically the pool has included members of the crew, but at this point everyone is outside of the Town, thus the residency requirement is an impediment for those on the crew who may wish to run for the position. He suggested revisiting the issue and expanding the boundaries, as well as possibly adding some qualifications for the office if election law permits it.

(6) PUBLIC HEARINGS

Case #1, SUB-2020-01 Consider Minor Subdivision Approval

Project: Ulinski Subdivision

Location: 723 Nelson Road; Tax Parcel 6.-1-18.22

Zoning: Low Density (LD) Residential

Applicant: Matt Ulinski

Anticipated Board action(s) this month: Public hearing, Subdivision approval

Project Description: The Applicant proposes to subdivide a 15.302 acre parcel from the existing 18.972 acre parcel located at 723 Nelson Road. The property is currently divided de facto by a public road, Nelson Road. This subdivision would formalize this de facto split. Parcel A, 3.670 acres on the east side of Nelson Road, would contain the existing single family dwelling. Parcel B, 15.302 acres on the west side of Nelson Road, would contain the existing barns. The proposed parcels meet the minimum requirements of the LD District. No construction is proposed at this time.

SEQR: Unlisted action, Planning Board is Lead Agency

District: Tompkins County Agricultural District #1

County 239 referral: NA

The public hearing was opened at 7:21 p.m.

No comments were made at this time.

The public hearing was left open.

Case #2, SUB-2020-02 Consider Standard Subdivision Approval

Project: Hardesty Subdivision

Location: 444 Jersey Hill Road; Tax Parcel 8.-1-23.1

Zoning: Low Density (LD) Residential

Applicant: Rick Hardesty

Anticipated Board action(s) this month: Public hearing, Subdivision approval

Project Description: The Applicant proposes to subdivide two parcels from the existing 15.928 acre parcel located at 444 Jersey Hill Road. The two new parcels will be 5.116 acres and 5.142 acres, respectively. The 5.670 acre remaining parcel would contain the existing single family dwelling. The proposed parcels meet the minimum requirements of the LD District. No construction is proposed at this time.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #2

County 239 referral: NA

The public hearing was opened at 7:21 p.m.

No comments were made at this time.

The public hearing was left open.

Case #3, SPP-2020-01 Consider Special Permit Approval

Project: Special Permit for Second Dwelling

Location: 321 Troy Road; Tax Parcel 3.-1-9.4

Zoning: Low Density (LD) Residential

Applicant: Karyn Baker

Anticipated Board action(s) this month: Public hearing, Special Permit approval

Project Description: The Applicant proposes to construct a second single family dwelling on the existing 3.47 acre parcel. There is an existing single family dwelling that will remain. The proposed new dwelling is a 1,944 square foot single story structure with attached garage and storage space. Per Zoning Ordinance 600-3m, installation of a second dwelling unit in a separate building requires Special Permit approval in the LD District.

SEQR: Type II action

Ag District: NA

County 239 referral: NA

The public hearing was opened at 7:22 p.m.

One letter was received from Tom West (353 Troy Rd.). He expressed concerns about the effects of a second residential building on water supply for neighboring properties and encouraged the Planning Board to therefore reject the proposal.

Steve Ryan (315 Troy Rd.) said he lives two lots down and thinks it is a great idea, but he knows that water has been an issue for the wells in the area and asked what remedies the applicants had in mind to take care of that as a whole other house might be a tough thing for the aquifer.

Karen and Jeff Baker clarified that it will not be a house but a garage with an in-law efficiency apartment. They know about the water situation, and their intention is to put in two storage tanks and have water delivered. They have two wells that are not sufficient to support their own household, and so they currently have water delivered. They have already made arrangements for the water delivery. They spoke with the Health Department and they are not required to do a well; as it is only one additional bedroom, their septic system can handle the addition.

Rundle asked the applicants if they would be okay with the Board considering a resolution that included something about water delivery. They said that would not be an issue. Mr. Baker said it would not be worth

putting the money into a well anyways. Rundle said he is raising this as a possibility because the Board has to take the long view.

The public hearing was left open.

MOTION: Pass Resolution #3 of 2020 setting a special meeting March 3 to continue the public hearings with Jody Scriber as Acting Chair

Moved by Bergman, seconded by Richards

The motion passed.

In favor: Bergman, Jett, Maragni, Richards, Scriber, Rundle

Gagnon suggested designating a new vice chair. Rundle suggested putting this on the agenda for the next meeting.

(7) PRELIMINARY REVIEWS

a) Minor Subdivision

Location: 84 Layen Road, Tax parcel 8.-1-1.32

Zoning: Low Density (LD) Residential Zone

Applicant: Jim Henion

Proposal: Subdivide into two parcels.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #2

County 239 referral: to be completed

Planner Haremza recommended tabling this because the applicant was not able to attend.

b) Minor Subdivision, Applicant: Michelle Fullagar

Location: 16 Hill Road, Tax parcel 20.-1-25.24

Zoning: Low Density (LD) Residential Zone

Proposal: Subdivide 15.98 acre parcel into Parcel B (2 acres) for a proposed single family dwelling.

Parcel A (13.98 acres) will retain existing single family dwelling. The proposed parcels meet the minimum requirements of the LD District.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #1

County 239 referral: to be completed

The applicant explained that her property has road frontage on S. Danby Rd. with her driveway on Hill Rd. She would like to let someone build next to their daughter on S. Danby Rd.

The subdivision meets the frontage requirements.

c) Standard Subdivision, Applicant: Connor Baker

Location: 235 Ridgecrest Road, Tax parcel 3.-1-4

Zoning: Low Density (LD) Residential Zone

Proposal: Subdivide 15.9 +/- acre parcel into Parcel B (2.5 +/- acres) for a proposed single family dwelling. Parcel A (13.4 +/- acres) will retain existing single family dwelling. The proposed new parcel does not meet the minimum requirements of the LD District. This proposal will also require an area variance application to the Board of Zoning Appeals to consider waiving the 200 foot frontage requirement per Zoning Ordinance Section 600-5.

SEQR: Unlisted action, Lead Agency TBD

Ag District: NA

County 239 referral: to be completed

The applicant explained that his grandparents own land on Ridgecrest Rd. that extends into the Town of Ithaca. He wants to put in a driveway on the Town Line. This would create a flag lot with 60' of road frontage. Planner Haremza said that there is a constraint in that the existing house is close to dead center so it is difficult to subdivide and get the required 200' of frontage. Chairman Rundle said that the BZA would need to consider a variance.

d) Minor Subdivision, Applicant: George Blanchard

Location: 437 East Miller Road, Tax parcel 6.-1-21.214

Zoning: Low Density (LD) Residential Zone

Proposal: Subdivide 33.22 acre parcel into Parcel B (3 acres) for a proposed single family dwelling. Parcel A (30.22 acres) will retain existing single family dwelling. The proposed parcels meet the minimum requirements of the LD District.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #1

County 239 referral: to be completed

The applicant said that he plans to subdivide off 2.75 acres. It had originally been subdivided, but he consolidated for tax purposes. Now he would like to carve off that corner lot. Minimum requirements are met.

e) Standard Subdivision, Applicant: Brian Miller

Location: East Miller Road between Troy Road and Nelson Road, Tax parcel 7.-1-43.222

Zoning: Low Density (LD) Residential Zone

Proposal: Subdivide 105.9 +/- acre parcel into Parcel B (10.17 +/- acres) for a proposed single family dwelling. Parcel A (95.73 +/- acres) will remain as agricultural land. The proposed new parcel does not meet the minimum requirements of the LD District. This proposal will also require an area variance application to the Board of Zoning Appeals to consider waiving the 200 foot frontage requirement per Zoning Ordinance Section 600-5.

SEQR: Unlisted action, Lead Agency TBD

Ag District: Tompkins County Agricultural District #1

County 239 referral: to be completed

The applicant said that he wants to divide off about ten acres. There is approximately 170' of road frontage. The Board looked at the division on the map. Rundle said the applicant would need to go before the BZA for a variance.

(8) PLANNING GROUP UPDATE

Supervisor Gagnon reported that the Town Board appointed core members of the Planning Group; there is participation from all of the Town's boards, with 14 people total. The first meeting will be February 25th, and they will first look at whether there should be some interim changes made to the Zoning Ordinance to act as a placeholder while the Town stands back and does the larger planning process. He noted that the Conservation Advisory Council just completed an open space inventory (natural resource inventory). The Town can look at this and, in light of the information therein, look at the special places to avoid development if possible and conversely where there is the potential for developable areas.

Rundle asked about the zoning audit done with former Town Planner Randall and where that fits in. He said some things identified through that need the larger process to be answered, but others were more technical and probably do not. Gagnon said that was a tool for review to look at the adequacy of a Town's zoning. The next steps depend on whether the Town decides to scrap the Zoning Ordinance and start over. The zoning audit could inform the process by indicating what needs to be fixed on a short-term basis as part of a first stage. Rundle said there are things that are allowed right now that could happen tomorrow and could be easily corrected, for example allowing airports in the Low Density zone. He asked if a subcommittee would be looking at things that should be done right away. He said he is an advocate of getting some small victories when trying to get a big thing started. Scriber agreed and gave the example of the "Commercial Design Guidelines."

Gagnon said the main driver for making interim changes would be to address what might go wrong while the Town goes about the process. Rundle said he hoped the Planning Board would now and then get a few items to review that they could then make a recommendation to the Town Board on. Gagnon said that what comes out of the Planning Group will go directly to the Town Board as a recommendation and then be referred to the Planning Board for formal comment.

Scriber asked Gagnon to re-explain the voting membership for the Planning Group, which he did. Anyone who regularly participates will become a voting member; you have to have attended one of the last two meetings to vote. This allows people to miss at maximum every other meeting. Thus anyone can participate as a member and jump in and out depending on their interests. He said the Group will likely also break into working groups. Minutes will be posted on the website, and he will do a synopsis for the Danby Area News. The more people who know what is going on, the more likely they can get informed participation.

Gagnon said the big question in his mind is, what are the Town's vulnerabilities to address on an interim basis, and what are the options for doing so? Scriber asked about whether looking at what the Town wants in terms of development will be going on simultaneously, to which Gagnon said yes. The way he sees it is that what the Town said when the Comprehensive Plan was last revised 20 years ago was that development should be discouraged on the outlying parts of Town and development focused in the hamlets, but this has not happened. He thinks the Town needs to be able to describe where it can

accommodate development and what it would have to look like for people to accept it. Where the Town is headed now, is it becoming impossible for ordinary middle-class or working-class people to find housing. To create affordable housing the Town would need to figure out how to make smaller lots at higher densities with shared services to get the cost down.

(9) PLANNER'S REPORT

Town Planner Haremza reported the following:

- Regarding the municipal housing affordability grant for the Danby hamlet, he is in the process of drafting an RFQ (request for qualifications) for consulting firms to assist with a Planned Development Zone and the bureaucratic logistics of compact site water and sewer provision and how to accommodate more compact development in a hamlet setting. The general timeline is this calendar year.
- Regarding the Beardsley Lane drainage update, he has been finding out where the project stands. They are moving forward with getting the parcels transferred from the County to the Town. Once that happens, the engineer T.G. Miller will produce the map, plan, and report for Drainage District #1. That will lay out the anticipated ongoing maintenance costs and what the fees assessed for the properties in the District will be.

Andy Cove asked about the process once the plans are developed. Haremza said drainage districts do require a public hearing, he believes with the Town Board. He said they would be notified by mail, with a rough timeline of May or June. Robert Goggs (155 Bearsley Lane) asked if ongoing costs would be part of the property tax, and Haremza said they would show up on their tax bill.

- The Housing Conditions Survey is wrapping up. The consultant will be presenting the results of the analysis to the Town Board on February 24. A component of that study will include the market analysis of the housing market in Danby. Scriber asked where the information from the survey would be available, and Haremza said he will post any materials and documents on the website.
- Regarding the Howland Road hemp operation, he said this issue had been spoken about earlier. The initial thinking that it is a customary agriculture operation may not be the case, but this is not determined yet.

(10) ADJOURNMENT

The meeting was adjourned at 8:11pm.

Alyssa de Villiers – Recording Secretary

Town of Danby
Planning Board Resolution Number 3 of 2020

Setting Special Planning Board Meeting, March 3, 2020

- 1. Whereas** the Public Notice published in the Ithaca Journal for the 2-18-2020 public hearings contained an error of omission with regard to the time and place of the public hearing; and
- 2. Whereas** setting a special meeting of the Danby Planning Board and holding the public hearing open until such meeting would correct this error; and
- 3. Whereas** a quorum of the Danby Planning Board will be available on 3-3-2020; and
- 4. Whereas** Jody Scriber is designated as Acting Planning Board Chairperson on 3-3-2020 if the Chairperson is unable to attend; and
- 5. Whereas** Town Staff will re-publish the Public Notice in the Ithaca Journal with the required details; and
- 6. Now Therefore, be it Resolved** that the Town of Danby Planning Board does hereby set a special meeting for 7PM on 3-3-2020 at Danby Town Hall to continue the Public Hearing opened on 2-18-2020.

Approved February 18, 2020

James R. Rundle
James R. Rundle, Chairperson