

Town of Danby Planning Board  
Minutes of Regular Meeting  
March 3, 2020

**PRESENT:**

Ed Bergman  
Scott Davis  
Kathy Jett  
Elana Maragni  
Bruce Richards  
Jody Scriber (Acting Chair)

**ABSENT:**

Jim Rundle

**OTHER ATTENDEES:**

Town Planner	Jason Haremza
Town Board Liaison	Leslie Connors
Recording Secretary	Alyssa de Villiers
Public	Ted Crane, Rick Hardesty, Earl Hicks, Gladys Holt, Joel Gagnon (Town Supervisor), Valarie Kranz, Ronda Roaring

*The meeting was opened at 7:01pm.*

**(1) MEETING WITH STAFF**

Planner Haremza reviewed the materials for the cases with the Board. Possible conditions on the special permit approval for Case #3 were discussed, including method of water provision and a professionally-drawn site plan.

**(2) CALL TO ORDER / AGENDA REVIEW**

The meeting was called to order at 7:10 p.m. There were no additions or deletions to the agenda. An explanation for the meeting was given: it is a continuation of the public hearings opened at the February 18<sup>th</sup> meeting to fulfill the notice requirements, one of which was incorrect for the February 18<sup>th</sup> meeting.

**(3) PRIVILEGE OF THE FLOOR**

There was no privilege of the floor at this special meeting of the Planning Board. Additional testimony related to each case was taken during the continuation of the public hearings held open from the February 18<sup>th</sup> meeting.

#### **(4) 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 had been left open from the February 18<sup>th</sup> meeting.*

Ronda Roaring (571 South Danby Rd.) said she objects. When asked the reason, she said "bad faith." Acting Chair Scriber asked if the Board had any questions, and they briefly reviewed that there is no planned building and the property is being subdivided for the opportunity to finance.

*The public hearing was closed at 7:13 p.m.*

As lead agency for the State Environmental Quality Review Act (SEQR), the Board went through the Short Environmental Assessment Form (SEAF) parts two and three. For part two, all questions were answered, "No or small impact may occur."

**MOTION:** Determine there is no significant adverse environmental impact.

Moved by Richards, seconded by Maragni

**The motion passed.**

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

**MOTION:** Approve the minor subdivision.

Moved by Bergman, seconded by Maragni

**The motion passed.**

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

**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 had been left open from the February 18<sup>th</sup> meeting.*

No additional comments were made.

*The public hearing was closed at 7:18 p.m.*

As lead agency for the State Environmental Quality Review Act (SEQR), the Board went through the Short Environmental Assessment Form (SEAF) Parts 2 & 3. For Part 2, all questions were answered, "No or small impact may occur."

**MOTION:** Determine there is no significant adverse environmental impact.

Moved by Richards, seconded by Bergman

**The motion passed.**

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

**MOTION:** Approve the standard subdivision.

Moved by Bergman, seconded by Richards

**The motion passed.**

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

**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 had been left open from the February 18<sup>th</sup> meeting.*

Richards said that the testimony of the neighbors indicates the area has an unreliable aquifer and difficulty with wells. He noted that the neighbors expressed concerns about this. He said the applicants do not have reliable water and have potable water delivered, and the in-law apartment would be supplied by that same source. He said the Board could add a condition about the water, and noted that "water and sewerage or waste disposal facilities are adequate," but only because the water is being delivered. Maragni added that the homeowners had agreed to a condition in the previous meeting. Bergman asked where a condition would go, and Haremza said that it would be in the final resolution. Haremza added that the condition had been discussed, the applicants would likely not be surprised, the document will get attached to the building permit, and then it will be part of the public record that water is an issue at this property.

Ronda Roaring asked what the need was for the second dwelling, and Haremza answered that the applicant stated it is for aging members of their family. Roaring asked if this was an indication that the Town planned to allow every individual to have an aging parent in a second dwelling. Davis said that this use was permitted in the Zoning Ordinance right now; it is not an unequivocal yes, and the Board does look at each individual case, but the burden of proof to make a denial is on the Board. He said that because it is in the zoning code, it is the right of the applicants. Roaring said that it used to be that people (elderly family) would live in trailers that could then be removed, not permanent dwellings. Haremza said that a permanent (second) dwelling for any purpose is specially permitted by the Zoning.

*The public hearing was closed at approx. 7:30 p.m. (Exact time unknown due to recorder error).*

In accordance with Section 901 of the Zoning Ordinance, "General Considerations Required For All Special Permits," the Board reviewed the eleven requirements. It was agreed that the answer to number six, "Water and sewerage or waste disposal facilities are adequate" was "yes" given that water is supplied. As per Section 902 "Miscellaneous Considerations for Special Permits" number 2(a), the Board also considered "The adequacy of the lot area for each dwelling unit," and agreed it was adequate. Haremza said that it meets all requirements.

Regarding the language for the condition on the special permit relating to water, Davis asked about specifying “without accessing the aquifer” as that is the concern. Richards said this was a good point as the goal was not to put too many wells down into an inadequate aquifer, which would exacerbate the problem. Davis said that the condition could also set a precedent for the whole neighborhood that the aquifer is a matter of concern that the Planning Board addressed. Haremza said the Board does have discretion to impose conditions because it is a specially permitted use. What the condition should be was discussed, specifically whether it should say a well cannot be drilled. Haremza said the applicants can return to the Board and request to amend the special permit down the road if they want to drill a well. Richards instead suggested referencing that water will be supplied through the expansion of the existing water distribution system, which is adequate. Maragni clarified that the Board was saying that the current water system was adequate, not that the applicants have to stick with it, so they would not be limited to that one system if they come up with another creative way to get water. Bergman said he thought they were saying that what the applicants are using for the main house, they would have to use for the additional dwelling.

**MOTION:** Approve the special permit with added language about having an updated site plan (professionally drawn) and the adequacy of the water supply

Moved by Bergman, seconded by Richards

**The motion passed.**

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

## **(5) ADJOURNMENT**

*The meeting was adjourned at 7:48pm.*

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Alyssa de Villiers – Recording Secretary

**Town of Danby**  
**Planning Board Resolution Number 4 of 2020**  
**March 3, 2020**

**Preliminary and Final Approval, Minor Subdivision SUB-2020-01**  
**723 Nelson Road, Tax Parcel 6.-1-18.22**

1. **Whereas** an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of 723 Nelson Road, tax parcel 6.-1-18.22 by Matt Ulinski; and
2. **Whereas** the Applicant proposes to subdivide the existing 18.972 acre property into two parcels:
  - a. Parcel A, measuring 3.670 acres, containing the existing single family dwelling on the east side of Nelson Road
  - b. Parcel B, measuring 15.302 acres, containing existing agricultural structures on the west side of Nelson Road
3. **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
4. **Whereas** this property is already divided, de facto, by Nelson Road, a public highway; and
5. **Whereas** this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, Section 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
6. **Whereas** no construction is proposed at this time; and

7. **Whereas** this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review (SEQR) Act and is subject to environmental review; and
8. **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, Section 601 II.H. Hearing and Notices; and
9. **Whereas** the Planning Board held the required Public Hearing on 2-18-2020 and that the Public Hearing was held open until 3-3-2020; and
10. **Whereas** this Board, acting as Lead Agency per the State Environmental Quality Review (SEQR) Act, did on March 3, 2020 review and accept:
  - a. A Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant
  - b. A survey map entitled "Survey Map Showing Lands to be Conveyed by TMELCHEN, LLC," prepared by T.G. Miller, P.C., and dated 7-25-2010; and
11. **Whereas** the Planning Board did carefully consider Part 2 of the SEAF and on March 3, 2020 make a Negative Declaration of Environmental Significance for the project; and
12. **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.
13. **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 723 Nelson Road, tax parcel 6.-1-18.22 by Matt Ulinski, Owner and 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.

Approved March 3, 2020

  
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Jody Scriber, Acting Chairperson

**Town of Danby  
Planning Board Resolution Number 5 of 2020  
March 3, 2020**

**Preliminary and Final Approval, Standard Subdivision SUB-2020-02  
444 Jersey Hill Road, Tax Parcel 6.-1-18.22**

1. **Whereas** an application has been submitted for review and approval by the Town of Danby Planning Board for a Standard Subdivision of 444 Jersey Hill Road, tax parcel 8.-1-23.1 by Rick Hardesty; and
2. **Whereas** the Applicant proposes to subdivide the existing 15.928 acre property into three parcels:
  - a. Parcel A, measuring 5.670 acres, containing the existing single family dwelling
  - b. Parcel B, measuring 5.116 acres, containing agricultural land
  - c. Parcel C, measuring 5.142 acres, containing agricultural land
3. **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
4. **Whereas** this is considered a Standard Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, Section 201C; and
5. **Whereas** no construction is proposed at this time; and
6. **Whereas** this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review (SEQR) Act and is subject to environmental review; and
7. **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, Section 601 II.H. Hearing and Notices; and
8. **Whereas** the Planning Board held the required Public Hearing on 2-18-2020 and that the Public Hearing was held open until 3-3-2020; and
9. **Whereas** this Board, acting as Lead Agency per the State Environmental Quality Review (SEQR) Act, did on March 3, 2020 review and accept:
  - a. A Short Environmental Assessment Form (SEAF), Part 1, submitted by the applicant
  - b. A property map prepared by the applicant; and
10. **Whereas** the Planning Board did carefully consider Part 2 of the SEAF and on March 3, 2020 make a Negative Declaration of Environmental Significance for the project; and



**11. 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.

**12. Now Therefore, be it Resolved** that the Town of Danby Planning Board does hereby grant Preliminary and Final Subdivision Approval to the proposed Standard Subdivision of 444 Jersey Hill Road, tax parcel 8.-1-23.1 by Rick Hardesty, Owner and 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.

Approved March 3, 2020

  
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Jody Scriber, Acting Chairperson

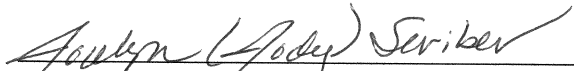
**Town of Danby**  
**Planning Board Resolution Number 6 of 2020**  
**March 3, 2020**

**Approval, Special Permit SPP-2020-01**  
**321 Troy Road, Tax Parcel 3.-1-9.4**  
**Zoning: Low Density Residential District (LD)**

1. **Whereas** an application for a Special Permit has been submitted for the property at 321 Troy Road, tax parcel 3.-1-9.4. The proposed project is to construct a second single family dwelling on the existing 3.47 acre parcel. There is an existing 1,792 square foot single family dwelling that will remain. The proposed new dwelling is 1,042 square feet in a 1,944 square foot single story structure that also includes a 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; and
2. **Whereas** legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Zoning Ordinance, Section 904; and
3. **Whereas** the Planning Board held the required Public Hearing on 2-18-2020 and that the Public Hearing was held open until 3-3-2020; and
4. **Whereas** the applicant indicated on 2-18-2020 the well on the property was inadequate for supplying water and that water is currently delivered by tanker truck to the property; and
5. **Whereas** the Planning Board expressed concern over the adequacy of water at this property and felt it prudent that verification of adequate water be provided to document this situation for current and future owners; and
6. **Whereas** the provision of water and the onsite treatment of waste water is subject to review and approval by the Tompkins County Health Department; and
7. **Whereas** per the State Environmental Quality Review Act (SEQRA) (6 CRR-NY 617.5(c) (11)), as well as Local Law #2 of 1991, Section VI (Providing for Environmental Review in the Town of Danby), this project is a Type II Action and no further environmental review is required; and
8. **Whereas** the Planning Board carefully reviewed the Special Permit considerations per Sections 901 and 902 of the Town of Danby Zoning Ordinance.
9. **Now Therefore, be it Resolved** that the Town of Danby Planning Board does hereby grant a Special Permit to 321 Troy Road, tax parcel 3.-1-9.4, subject to the following conditions:
  1. Submission of water delivery information or other verification of adequate water for the property prior to issuance of any Certificate of Occupancy for the new dwelling unit

2. Submission of the final Site Plan drawing to the Town Planner and Code Enforcement Officer
3. Obtaining a building permit from the Town of Danby by 3-1-2021

Approved March 3, 2020

  
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Jody Scriber, Acting Chairperson