

Town of Danby Planning Board
Minutes of Regular Meeting
May 19, 2020

PRESENT:

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

OTHER ATTENDEES:

| | |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Town Planner | Jason Haremza |
| Town Board Liaison | Leslie Connors |
| Recording Secretary | Alyssa de Villiers |
| Public | Connor Baker, Dana Berger, Marc Berger, Mark Brockway, Ted Crane, Kevin Feeney, Joel Gagnon (Town Supervisor), Jim Henion, Katharine Hunter, Kari Krakow, Anna Schatz, Olivia Vent |

This meeting was conducted virtually on the Zoom platform.

The meeting was opened at 7:05pm.

(1) MEETING WITH STAFF

Planner Haremza said that physical mailings to the Planning Board did not happen this month due to a staff transition of Deputy Town Clerks. Chair Rundle said he always would like paper copies, and Scott Davis and Jody Scriber also said that they would like paper copies.

Haremza noted that Case #3 is a standard subdivision rather than a minor subdivision. Due to this change, the hearing will be opened during this meeting and held open until the following month.

Zoom has notified Haremza that people need to download the updated version to fully participate.

Haremza said that if people are using a device that is unnamed, they can identify themselves, which helps the secretary. There is no requirement to identify yourself.

(2) CALL TO ORDER / AGENDA REVIEW

There were no additions or deletions to the agenda.

(3) PRIVILEGE OF THE FLOOR

Ted Crane said that he was here to participate in the discussion about the tax policy document, but he saw that the agenda has a discussion about a change to the Zoning Ordinance. He said he would like to share a document he prepared several months ago for the Planning Group that goes into detail related to that. It was agreed he would do this under that agenda topic (item number nine).

(4) APPROVAL OF MINUTES

MOTION: Approve April 21st minutes

The motion passed.

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

Abstain: Maragni

(5) TOWN BOARD LIAISON REPORT

Leslie Connors (Town Councilperson) shared the following information:

- The Tompkins County Legislature had a public hearing on the review of Ag District #1 this evening. There was no public comment at the meeting, and they did not mention any write-in comments. There were 303 acres removed from Ag District #1 in Danby.
- At the last Town Board meeting, the Town Board agreed to support the Zoning Officer in addressing the hemp operation on Howland Rd. as being out of compliance with Danby's Zoning Ordinance. Planner Haremza has written and sent a letter.
- She alerted Board members to a webinar series put on by the NYS Division of Local Governmental Services. She said this is a good way to get the required training hours. It was agreed she would send out the link again.
- The Town Board revised the email policy after much discussion. There are not that many substantial changes.
- Budget discussions will likely occur in the coming weeks with a focus on ways to save some money.

(6) PUBLIC HEARING

Case #1, SUB-2020-06 Standard Subdivision, 235 Ridgecrest Road

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

Zoning: Low Density (LD) Residential Zone

Applicant: Connor Baker

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

Proposal: Subdivide a 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 was granted an area variance by the Board of Zoning Appeals on 4/14/2020 to waive the 200 foot frontage requirement per Zoning Ordinance Section 600-5.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: NA

County 239 referral: NA

The public hearing was opened at 7:17 p.m.

Planner Haremza showed an updated survey map. Regarding the process this has gone through, he explained that the parcel to be split off did not meet the required 200' of road frontage as it only has 64' of frontage. He showed the location of the proposed single-family home on the new parcel. He said the applicant, Mr. Baker, went to the Board of Zoning Appeals (BZA) last month and was granted an area variance for the non-compliant frontage. He said that tonight the Planning Board was looking at final approval of the subdivision.

Chair Rundle asked what the role of the Planning Board is once the BZA has approved the area variance. Haremza said that the way Danby's Subdivision Regulations are structured, all subdivisions need to come to the Planning Board, but they have limited grounds for denial. If the subdivision meets the requirements, and this application does, the process is to approve unless there are serious concerns.

Mark Brockway stated that he is a neighbor who is in favor of the subdivision.

The public hearing was closed at 7:23 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."

In response to a question from Joel Gagnon (Town Supervisor), Haremza explained that this is considered a standard subdivision because it did not meet the requirements of the zoning district.

MOTION: The proposed action will not result in any significant adverse environmental impacts.

Moved by Richards, seconded by Bergman

The motion passed.

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

MOTION: Approve the standard subdivision (Resolution No. 11 of 2020)

Moved by Scriber, seconded by Davis

The motion passed.

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

Case #2, SUB-2020-07 Standard Subdivision, East Miller Road

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

Zoning: Low Density (LD) Residential Zone

Applicant: Brian Miller

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

Proposal: Subdivide a 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 was granted an area variance by the Board of Zoning Appeals on 4/14/2020 to waive the 200 foot frontage requirement per Zoning Ordinance Section 600-5.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: Tompkins County Agricultural District #1

County 239 referral: NA

There were technical difficulties connecting with the applicant, Mr. Miller, at the time the Board began considering his case, so he was not able to attend.

The public hearing was opened at 7:46 p.m.

Public Comment

Alfred and Anna Schatz said they were not in favor of the subdivision. The audio connection was poor so some details of their objection were not heard. Via someone else with a better connection they were able to express that there would be more traffic, more noise, and more dust.

Marc Berger (165 E. Miller Rd.) said he is an adjacent property owner. He said he was trying to better understand what is intended. The map was shown and explained. Mr. Berger asked where the proposed dwelling will be and how the environmental impact and effect on quality of life on the road can be evaluated without further details. Planner Haremza said that only the subdivision was under review. He added that single family homes are permitted as of right and not subject to environmental review. He said there is no existing dwelling; it is agricultural land at this time, and there are no details on the (proposed) house. Ed Bergman confirmed with Haremza that the Planning Board cannot say yes or no based on a house or where it might be.

Haremza said Mr. Miller was granted an area variance by the BZA with a condition, similar to the prior case, that no structures be built in the narrow portion of property (the "pole" part of the flag lot). He reiterated that as long as a future single-family home meets the setbacks that are in the zoning code, it is simply a matter of a building permit; there is no further review. Mr. Berger asked for clarification on this, and Haremza said that someone can walk into the Town Hall with plans that meet the NYS building code, pay the fee, and be granted a building permit. Mr. Berger said this would be if the Town approved the subdivision, and Haremza said that there is nothing stopping the current owner from building a single-family home in the same location, or anybody else with the permission of the landowner.

Mr. Berger said that it can be presumed that the reason for the subdivision request is someone else will be putting a house somewhere on the property, location unknown. He confirmed the condition the BZA had placed, and he asked where the front of the house could legally be. A discussion about this followed, centered on whether a house could be built on the neighbors' (the Bergers') property line. Haremza thought it could because the setback is measured from the front of the property. Davis thought not. Bruce Richards said there was a 10' setback (from property lines). Haremza said that at this point the Board was not debating a future hypothetical house, and Rundle added that the Board does not have the authority to say anything about where the house is located or use that as a basis for a decision.

Mr. Berger asked what then the basis for the Planning Board's decision is, and Haremza answered it is the subdivision laws. He strongly suggested those who had spoken put their concerns in writing, and he said it would be possible to put this on hold if the Board needs more information.

Discussion on flag lots

Davis expressed concern that the BZA approved this area variance. He suggested there were other opportunities to draw a lot that was not squeezed in between other residences and said the squeezing in means the house could be behind the neighbors, which in turn would change the whole context of their living situation. He said he thought the Planning Board should check the basis on which the BZA approved the variance. The neighbors in attendance thanked him for this point of view. Secretary de Villiers, who attended the BZA meeting in question, gave a quick summary: this case and the previous case both required area variances and have a flag lot shape with a "pole" in front opening up to a "flag." She said the BZA was thinking of preserving rural character in terms of not squishing a house into the pole part. They liked this lot better as it was a bigger lot size (and hence preserves the Town's rural character). Davis said someone would not be able to put a house in the pole part anyways due to the setback requirements.

Gagnon said the whole point of the frontage requirement is that the lots are big enough on the road, and the Town does not want flag lots. Davis said if this is okay, what is not okay? Scriber noted that a subdivision the Board approved on Gunderman Rd. last month had a similar situation in that it is a somewhat narrow entrance to a house that will be behind other houses, although the road frontage met the requirements. She said she thought squeezing things into a narrow entryway because there is more room behind is something they are running into. Davis felt the person doing the subdividing in the current case

had other options. Scriber said the problem is the land can be sold this way and the Board does not have any way to say where a house goes.

Gagnon said Danby's Zoning Ordinance presumes that when a lot is created there will be a house some day; that is why there is a frontage requirement and flag lots are not allowed. He said you cannot currently buy a woodlot that is not big enough to put a house on, which is a problem with the Ordinance. Anna Schatz commented that agricultural land is also still important, and Gagnon agreed, saying it is something they might want to address in the Town's planning efforts.

Ted Crane said he has an aversion to flag lots in general, but in this case he saw what the BZA was saying in that there is a lot of room in back and this gets the house into a space that could be private from the road. He said front yard setback is measured from the right of way on the road to the front of the house, so he was surprised the BZA did not impose a condition saying the front yard should start from where the lot opens up into the "flag" part. Haremza confirmed that the BZA only said nothing could be built in the front 100'x196' section, and he agreed the front setback is measured from the edge of the right of way. Crane said he had discomfort with this because there could be a significant impact on the neighborhood, and he said he sympathizes with the folks on either side (of the proposed subdivision). Gagnon said there is no provision for the setback Crane mentioned because there is no provision in the Zoning Ordinance for flag lots. He said he thought the BZA should have imposed such a condition (so the setback was from the "flag" part and a house could not be built right behind the existing neighbors) if they approved it at all.

Richards asked if there were any grounds under the law to deny the subdivision. He said they do not get to write the law. Rundle said the Board was not clear on what the law is, so Haremza suggested holding the decision until more information was gathered. Gagnon said the law could be changed, but not as it applies to this subdivision. Davis said he felt in this case there was a legal question as to the spirit of the law with regard to the setback and whether a house could be built on the property line of the neighbors.

Scriber said one of her concerns was they had just approved another flag lot. Others agreed. Haremza said this points out a systemic problem with the code that needs to be addressed, and he added that subdivision approval was not the appropriate place to be debating the placement of a house. He said that if the Town wishes for the Planning Board to have that authority, that should be done through the site plan review process and that is when the positioning of a house would be discussed.

The public hearing was closed at 8:13 p.m.

It was agreed that this case would be tabled and revisited at the next meeting, at which time the public hearing would be reopened.

Scriber said she was concerned about their decision in the first case of the evening given that they are tabling this case, and Elana Maragni said she wondered about that also. Richards said he felt it was

different because in Case #1 there were no objections from any of the neighbors. Maragni noted that the opening of the plot was further back in the previous case (the length of the pole was longer).

MOTION: Table the subdivision application until the Planning Board can get complete and appropriate information to help them make a decision.

Moved by Scriber, seconded by Richards

The motion passed.

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

Case #3, SUB-2020-08 Standard Subdivision, 84 Layen Road

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

Zoning: Low Density (LD) Residential Zone

Applicant: Jim Henion

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

Proposal: Subdivide a 31.73 acre parcel into Parcel B (28.69 acres) to remain as open space with a pole barn structure. No construction is proposed at this time. Parcel A (3.04 acres) will retain the 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 #2

County 239 referral: NA

Planner Haremza said Mr. Henion had submitted a new map, as the Planning Board had asked during his preliminary review, and he showed this map. He said Parcel 4 was Parcel A above, and it is being split from Parcel 2, which is an odd shape that surrounds it. He said Parcels 1 and 3 were divided (from Parcel 2) about two years ago, and that is why this is a standard subdivision—the new request is happening less than three years after the last subdivision. Parcel 4 contains the house and Parcel 2 has no dwellings on it.

The public hearing was opened at 8:29 p.m.

Ted Crane said he had nothing wrong with what Mr. Henion is doing, but he wanted to point out that what is being requested now is not an indication of what might happen in the future. He thought that Parcel 2 could be broken into at least seven more potential lots. He said that while this did not have to do with tonight's decision, he wanted to point out the difference between what people think zoning is about and what the zoning actually permits.

After a discussion about the history of subdivision approval in the Town and how much discretion the Planning Board has with regard to subdivisions (which can be found below), and in response to a question from Rundle, Mr. Henion said he had nothing to add. He said he understood it (his subdivision) is within the

rules and regulations and would just like to make a three-acre lot and sell the house. Richards asked him if he felt the shape of the lot made sense, specifically that Parcel 2 will end up as an H shape. Mr. Henion said there are many property boundaries in the Town that do not follow a perfect square. He intends to keep the rest of the land in the family and has no intention to sell additional property.

Discussion on subdivisions

Chair Rundle asked about the process when somebody submits a subdivision in less than the three years mentioned in the statute, and he confirmed that is what is making this a standard subdivision. Haremza said that some of the distinction has been lost, but originally minor subdivisions could be approved administratively. Now minor subdivisions also come to the Planning Board. He said a truly large-scale subdivision would be a different realm and require detailed analysis, but in this case there is not a lot of distinction between minor and standard.

Rundle asked Gagnon what the justification would be for not waiting longer than three years to subdivide again. Gagnon explained that a small lot every three years and lots over eight acres had been allowed as lots by permit. This was then changed so that all subdivisions came before the Planning Board for approval. He said you were always able to create a lot in less than three years if you went to the Planning Board, and now you have to go there anyways. The three years was not a limitation before, and it still is not.

Davis said this suggested the Planning Board had some discretion—otherwise why go to the Planning Board? Gagnon explained the history of lots by permit. He said there were two classes of these, legacy lots and farmettes. Legacy lots were intended to allow long-time large landowners to periodically create a lot for their family members, and the farmettes were lots that were big enough that, from the Town's point of view, it was unlikely to matter what someone did with it. The intent of these was gutted when they went through approval by the Town Board in that the legacy lots were reduced to every three years and the farmette provision was for five acres, although then bumped to eight acres. This meant many lots were created by permit and nothing was going to the Planning Board. Then the Town decided to have all subdivisions come before the Planning Board to get a better handle on how often these lots were being created. Gagnon said this created an awkward regulatory framework in that "minor subdivision" replaced a lot by permit and a "standard subdivision" is that which is not by permit. Crane added that one of the reasons for having the two kinds of subdivisions was the Planning Board was spending a lot of time dealing with subdivisions over which they really could not say "no." This is why it seemed reasonable at the time to let some be done administratively. When this was obviously not working, the subdivisions came back to the Planning Board.

Rundle came back to the issue of discretion. He said there were issues coming before the Planning Board over which they have little to nothing to say other than approving them. Gagnon said that if someone came in with a proposal like the Beardsley Lane subdivision, the Planning Board's role would be to look at the layout of the lots and consider clustering versus a standard subdivision. He said he thought there should be the ability with a lot to have a say in where the best place for that lot is given the parent parcel; the Town briefly had that ability. He said the process now, when there is not some looking at the bigger picture, is not very satisfactory from the Planning Board's side or from the Town's side. Gagnon talked about how a

buildout analysis of the Town shows it getting chopped into pieces with houses everywhere. He said the big question is what is the Town willing to do about that? He asked what it means to lose a Town's rural character and answered that it means you go from rural and less developed, to suburban, and then to urban, with the critical thing being how many houses there are.

Rundle said the issue is if the Planning Board has anything to decide. Gagnon asked whether the Planning Board has the discretion to add site plan criteria, such as creating a building envelope. Haremza said he thought not. He said that subdivision is not the correct process to do that type of thing, and site planning would need to be in site plan review. This would require the revision of the zoning code. Because of the need to renotify due to the correction from minor to standard subdivision, he suggested addressing some of these questions in the following meeting. He said the public hearing will be held open until the June meeting.

Crane said that the document he wanted to show later in the meeting addresses the topic at hand. He read from this and summarized that if something being proposed in subdivision meets the existing rules, the Planning Board has to pass it, if it does not, they don't. Haremza concurred. Gagnon said that it being before the Planning Board does imply some discretion because if it were strictly administrative it would not be before the Board at all. He thought where the discretion lies is mostly in SEQR; if there is a significant impact that cannot be mitigated, then there are grounds for saying no.

The public hearing was left open.

Case #4, SUB-2020-09 Minor Subdivision, 1562 Coddington Road

Location: 1562 Coddington Road, Tax parcel 6.-1-28.1

Zoning: Low Density (LD) Residential Zone

Applicant: Katherine Krakow

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

Proposal: Subdivide a 12.8 acre parcel into Parcel B (3 acres) to for a future single family dwelling. Parcel A (9.8 acres) will retain the existing pole barn. The proposed parcels meet the minimum requirements of the LD District.

SEQR: Unlisted action, Planning Board is Lead Agency

Ag District: NA

County 239 referral: NA

The public hearing was opened at 8:42 p.m.

Ted Crane said that, with nothing specific against this subdivision, there is the potential for the creation of a flag lot in the future. Richards said he thought that unlikely in this case as there is a huge, steep bank in the back.

The public hearing was closed at 8:43 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." Rundle noted that for each question it was a small impact at most, but cumulatively when land keeps getting divided, it becomes a big impact. Haremza agreed that this is a limitation of the way the State environmental law is structured—it does not do a great job of addressing the cumulative impacts of individual actions that by themselves do not rise to the level of review, like single-family homes.

MOTION: The proposed action will not result in any significant adverse environmental impacts.

Moved by Davis, seconded by Scriber

The motion passed.

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

MOTION: Approve the minor subdivision (Resolution No. 13 of 2020)

Moved by Scriber, seconded by Bergman

The motion passed.

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

(7) PRELIMINARY REVIEWS

There were no preliminary reviews on the agenda.

(8) PLANNING GROUP UPDATE

Tax policy working group

Planner Haremza said the proposal coming out of the tax policy working group had been shared with the Planning Board. (Secretary note: This proposal addresses Danby adding the ability for landowners to do temporary conservation easements that would be tied to tax exemptions with the goal of helping large landowners hold onto their land). Rundle said he had a lot of questions, and Scriber agreed. They both felt the Board should postpone a larger discussion to the next meeting. Gagnon said this was not something that was going to move forward very quickly so it was not pressing. He had gotten a response from Barbara Lifton saying the Legislature might not even get together this year, so he felt there was plenty of time to talk about it. Haremza said members of the Board could write down questions so they could get answers from the Planning Group's tax policy working group for the next meeting.

Davis asked to spend a few minutes at least mentioning the questions they have. He said he was impressed by the working group, but he was not sure he agrees with the premise that large lot owners are

subdividing for financial reasons. He felt that was not necessarily the case and was curious about that. He said he would love to see some stats if possible. Rundle said he had the same impression and a similar question. He said he needed to see more evidence. Scriber said she wanted to see the mathematical computations that came up with how it would affect other landowners. She said that for some landowners in Danby it might seem like a little bit, but it is not for her to decide if that works (referring to the possibility of a tax increase). She said there needs to be a public hearing and people need to hear about this and the reasons behind it. She added that she, too, appreciated the work the tax policy working group had done. Rundle gave a scenario with a short easement of 15 years and reiterated that there were a lot of questions. Scriber said it bears some careful thinking and talking about and really digging into what the issues are and why the Town would want to do this. Rundle added that former Planner Randall said that the Town does not have nearly enough zones or different kinds of zones and the Town could look at areas that would need much larger acreages in the farther-flung regions. He said he would really like to take it up next month.

Conservation working group

Gagnon said they are still focusing in on how to identify the priority conservation areas within the Town. He said Haremza did a first pass based on extracting the most important elements of the Natural Resource Inventory (NRI) as identified by the group. The group then looked at what this failed to identify that they believe is important to conserve. One thing that emerged was agricultural land, specifically the suitability for agriculture, and the other was the need to protect water resources, for example aquifer recharge areas would not be included. Haremza will now take a second pass and make a map that takes additional criteria into consideration. The group will then meet again and see if they are homing in on priority conservation areas.

Hamlets working group

Gagnon said this group needs to identify where the hamlets could reasonably expand. The tack there is to use the Hamlet Revitalization Plan and then look at what is missing. Both this group and the conservation group are looking at where, and then the next step is the how. How does the Town make it harder to subdivide in conservation areas and protect the most important characteristics of those areas and in the hamlets how to encourage clustered development that would enhance and expand the hamlets.

Public outreach working group

Gagnon said this group has not done a lot yet because its goal will be to convey what is happening in the Planning Group to the public. He said Haremza has started doing some cute little videos as a way to pique interest through a different medium.

Process regarding Planning Group proposals

Gagnon said the tax policy working group met multiple times and brought something forward which the larger group talked about and passed on to the Town Board for consideration. Rundle said he had a question about process. If the proposal had already gone to the Town Board, it seemed to him it creates an odd situation in which the Planning Board has been appointed by the Town Board, and yet when a proposal comes to the Town Board from the Planning Group it has not been vetted by the people appointed by the

Town Board (i.e., Planning Board). Are subdivision approvals, which are pretty routine, and occasional site plan reviews, which are more involved, all the Planning Board is doing, or are they supposed to be making recommendations? And how can they make recommendations if the proposals go to the Town Board before the Planning Board is ever involved? He said quite a lot of time is taken up with subdivision approval and site plan review, but that does not mean the Board does not have time to review, as a group, a proposal that has been created by a committee. If the Planning Board has criticisms, from the point of view of the public, it is odd that the criticisms from a group appointed by the Town Board come after the proposal has already gone in. He said it feels like they are being shunted out of the process.

Gagnon said the Planning Group was created in an effort to have all interested in the overall planning effort participate. He said he anticipated and hoped that most of the Planning Board members would be a key part of the Planning Group as they are among those most interested in planning in the Town. The Planning Group is not limited to the Planning Board so as to broaden the participation and include anybody else who is interested. Scriber said she felt that there was a step missing after Gagnon saying he would like them to participate since she did not remember a discussion on them taking on a whole other set of meetings. She said she had said from the beginning that she did not have time to add more meetings. She agreed with Rundle and said it feels like they are nothing more than a rubber stamp, even though this is planning related. Scriber said she thought that, even if they are not able to attend everything, stuff should come to the Planning Board.

Gagnon said the Planning Board's primary responsibilities are site plan review, subdivision approval, and special permits. Rundle said this is not what he was told when he was recruited; he was considering the future of Danby and population growth among other things. Crane said this was an echo of the discussion that happened a week ago at the Town Board meeting. He said Gagnon had referred to the Planning Board as almost misnamed. Gagnon explained that in the 1990s the State legislature took responsibility for creating comprehensive plans away from planning boards and gave it to town boards because there were difficulties with planning boards operating independently and without coordination. What has happened is the planning power now resides with the Town Board. The statutory authority of the Planning Board are the three things he mentioned, but the Town Board can delegate additional planning functions to the Planning Board. He said Danby's Comprehensive Plan was drafted by the Planning Board the last time around. Thus the potential is there, but the problem historically has been the primary responsibilities can often be so time consuming that the planning gets put on the back burner.

Rundle said that does not mean the Planning Board has no oversight role. He said the Board can take material from committees and review it, and if they do not do that, he wondered what they are there for. Crane said that at the Town Board meeting they also explored whether to send the tax proposal to the Planning Board for its group consideration or to the individual members for their commentary. He thought it was being sent to individuals. Leslie Connors (Town Councilperson) said that, while that was discussed, not all the Town Board members were in agreement and no vote was taken. Connors said she looked through her training materials and the State says the Planning Board has the three duties mentioned above, but these are after a long list of advisory responsibilities if the Town Board so chooses. She said maybe what they need to do is have the Town Board talk about that.

Crane said that the Planning Group was formed to provide input to the Town Board directly, and that members of the Planning Board and other groups and the public were invited to be part of the Planning

Group. Rundle did not feel that mattered. Gagnon said the process is open. He said the hope was that, with Secretary de Villiers' minutes and his and Planner Haremza's reporting in the Danby Area News, people who do not have the time to be regular members of the Planning Group would feel free to jump in as topics of interest come up. It was agreed to continue the discussion at the next meeting.

(9) REQUEST BY TOWN BOARD FOR ZONING ORDINANCE REVISIONS

It was decided to move this agenda item to the following meeting (June 16th, 2020).

(10) PLANNER'S REPORT

Planner Haremza gave the following report:

- There was no update on Beardsley Lane.
- He is still working on the RFP/RFQ for the municipal housing grant from the County.
- A letter was sent to the Howland Rd. hemp operation on May 5th. The Town has not yet received confirmation from the post office that it was delivered; it requires a signature.
- To help economize, the Town is looking into switching to postcards rather than letters for required notifications. This is approximately half the postage. Haremza will make a mockup and share that for next meeting.

(11) ADJOURNMENT

For the next meeting, Chair Rundle reviewed that the Board should prepare questions for the Planning Group's tax working group and the Planning Board will take up agenda item number nine.

The meeting was adjourned at 9:22pm.

Alyssa de Villiers – Recording Secretary

**Town of Danby
Planning Board Resolution Number 11 of 2020
May 19, 2020**

**Preliminary and Final Approval, Standard Subdivision SUB-2020-06
235 Ridgecrest Road, Tax Parcel 3.-1-4**

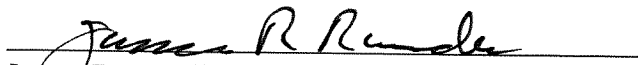
1. **Whereas** an application has been submitted for review and approval by the Town of Danby Planning Board for a Standard Subdivision of 235 Ridgecrest Road, tax parcel 3.-1-4 by Connor Baker; and
2. **Whereas** the Applicant proposes to subdivide the existing 15.72 acre property into two parcels:
 - a. Parcel A, measuring 3.35 acres, for a proposed single family dwelling
 - b. Parcel B, measuring 12.37 acres, containing the existing single family dwelling
3. **Whereas** the parcel is in the Low Density (LD) Residential Zone and the proposed parcel does not meet the requirement of the LD District for a frontage of 200 feet, per Zoning Ordinance Section 600-5; and
4. **Whereas** the applicant was granted an area variance (VAR-2020-02) by the Board of Zoning Appeals on April 14, 2020 with a condition that no buildings, including accessory buildings, but excluding school bus shelters, shall be constructed in the narrow western portion of the proposed parcel, an area approximately 60-80' wide and 240-300' deep.; and
5. **Whereas** the proposed parcel meets all other lot area requirements per Zoning Ordinance Section 600-5; and
6. **Whereas** this is considered a Standard Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, Section 201C. Standard Subdivision; 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 May 19, 2020; and
10. **Whereas** this Board, acting as Lead Agency per the State Environmental Quality Review (SEQR) Act, did on May 19, 2020 review and accept:
 - a. A Short Environmental Assessment Form (EAF), Part 1, submitted by the Applicant

b. A survey map entitled "235 Ridgecrest Road," prepared by T.G. Miller, P.C., and dated May 6, 2020; and

11. Whereas the Planning Board did carefully consider Part 2 of the EAF and on May 19, 2020 make a Negative Declaration of Environmental Significance for the project; and

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 Ridgecrest Road, tax parcel 3.-1-4, by Connor Baker, applicant, and Linda Poole Baker, 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.

Approved May 19, 2020


James R. Rundle, Chairperson

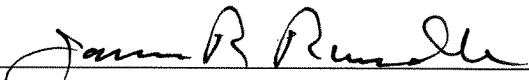
Town of Danby
Planning Board Resolution Number 13 of 2020
May 19, 2020

Preliminary and Final Approval, Minor Subdivision SUB-2020-09
1562 Coddington Road, Tax Parcel 6.-1-28.1

1. **Whereas** an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of 1562 Coddington Road, tax parcel 6.-1-28.1 by Katherine Krakow; and
2. **Whereas** the Applicant proposes to subdivide the existing 12.8 acre property into two parcels:
 - a. Parcel A, measuring 9.8 acres, containing the existing pole barn
 - b. Parcel B, measuring 3 acres, for a proposed single family dwelling on the south side of East Miller Road
3. **Whereas** the parcel is in the Low Density (LD) Residential Zone and the proposed parcel meets the requirement of the LD District, per Zoning Ordinance Section 600-5, 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 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
5. **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

6. **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
7. **Whereas** the Planning Board held the required Public Hearing on May 19, 2020; and
8. **Whereas** this Board, acting as Lead Agency per the State Environmental Quality Review (SEQR) Act, did on May 19, 2020 review and accept:
 - a. A Short Environmental Assessment Form (EAF), Part 1, submitted by the Applicant
 - b. A survey map entitled "Survey Map showing a portion of lands of Gary L. Burgess" prepared by T.G. Miller, P.C., and dated April 14, 2020; and
9. **Whereas** the Planning Board did carefully consider Part 2 of the EAF and on May 19, 2020 make a Negative Declaration of Environmental Significance for the project; and
10. **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 1562 Coddington Road, tax parcel 6.-1-28.1, by Katherine Krakow, applicant, and Gary Burgess, 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.

Approved May 19, 2020


James R. Rundle, Chairperson