

**Danby Planning Board  
Minutes of Public Hearing and Meeting  
April 28, 2011**

**Present:**

Joel Gagnon  
Anne Klingensmith  
Ted Melchen  
Robert Roe  
Naomi Strichartz  
Steve Selin

**Absent:**

Ray VandeBogart

**Others Present:**

Acting PB Secretary and Code Enforcement  
Sue Beeners  
Town Board Leslie Connors, Dan Klein  
Public Tamara Lovell, Kristen Bartholomew, Lisa Turner, David Hessler  
Elmer and Gerda Medgyaszay, Mary Lauppe, Suzy Friedman

**Waldorf School Public Hearing**

**Planning Board Chair, Robert Roe opened the Public Hearing at 7:06pm.**

PUBLIC HEARING to Consider Granting a Special Permit for the proposed construction of a school and parking area for the proposed Ithaca Waldorf School, proposed to be located on Nelson Road near Danby Road, on Tax Parcel 2.-1-17.32. Ithaca Waldorf School, Owner.

Kristen Bartholomew described the scope and scale of the project. The project includes a 6,000 square foot one story school house, a parking lot for 32 cars, and a looped driveway with school bus turnaround. The school intends to build as “green” as they can afford, to landscape the property, and to have a produce garden. Current enrollment is about 55 students.

Tamara Lovell asked about visually screening the parking lot from the road. Bartholomew replied that the parking lot may be redesigned to minimize the view from Nelson Road. The hedgerow will be left intact.

Elmer Medgyaszay expressed concern about the speed of traffic along Nelson Road. Bartholomew believes that a School caution sign will be installed in the area. Gerda Medgyaszay also expressed concern about the Nelson/Danby Road intersection. The Medgyaszays have experienced this as a dangerous intersection. Accidents have taken place in this location.

Leslie Connors stated that the TB is interested in pursuing a reduced speed limit for that section of Danby Road.

Tamara Lovell asked questions about the size of the building as compared to the Ithaca Montessori School. Bartholomew stated that this would be smaller.

Katherine Caldwell and Mary Lauppe, parents of children enrolled in the school, spoke in favor of the proposal.

**Planning Board Chair, Robert Roe closed the Public Hearing at 7:14pm.**

**Planning Board Chair, Robert Roe opened the Planning Board meeting at 7:14pm.**

**Consider Waldorf School Special Permit**

The Planning Board engaged in a discussion regarding this proposal. There were some questions regarding the relationship of the original 2004 approval of preliminary special permit to the current request for special permit.

Beeners clarified the history of permit approvals for this project. The 2004 plan was more extensive. There was also a discussion regarding the aquifer capacity for this area. A well still needs to be drilled at the area. The neighboring CSA farm well draws 25 gallons a minute.

Strichartz expressed support for this proposal, noting that the proximity of the school to the existing CSA farm is advantageous and, being located on a main road, traffic concerns should be minimal.

**RESOLUTION NO. 15 OF 2011 - SEQR DETERMINATION, SPECIAL PERMIT REQUEST, ITHACA WALDORF SCHOOL**

**WHEREAS**, this action is to Consider Granting a Special Permit for the proposed construction of a school and parking area for the proposed Ithaca Waldorf School, proposed to be located on Nelson Road near Danby Road, on Tax Parcel 2.-1-17.32; and

**WHEREAS**, the Planning Board on March 17, 2004 reviewed a proposal for a school larger in scale as a Type I action, made a negative determination of environmental significance, and granted Preliminary Approval for a Special Permit subject to various conditions; and

**WHEREAS**, the current proposal is an Unlisted Action for which the Town of Danby Planning Board is acting as Lead Agency in environmental review; and

**WHEREAS**, the Planning Board has reviewed the Short Environmental Assessment Form and the draft environmental assessment by the Code Enforcement Officer, recommending that a negative determination of environmental significance be made for this action;

**NOW, THEREFORE, IT IS**

**RESOLVED**, that the Town of Danby Planning Board accepts the draft environmental assessment and hereby makes a negative determination of environmental significance for this action.

**Moved by Strichartz, Second by Selin. The motion passed.**

**In Favor: Gagnon, Klingensmith, Melchen, Selin, Strichartz, Roe**

The potential change to the parking lot plan, and the impact of such changes on the special permit, was discussed. Bartholomew drew the change in the parking lot design on plans, for the benefit of the Planning Board consideration. The parking lot will be gravel, aligned with the hedgerow with a 100 foot setback in keeping with code for structures of public assembly. The Planning Board suggested that the parking lot would be even less visible if it were closer to the hedgerow. This may need a variance from the BZA.

## **RESOLUTION NO. 16 OF 2011 - SPECIAL PERMIT REQUEST, ITHACA WALDORF SCHOOL**

**WHEREAS**, this action is to Consider Granting a Special Permit for the proposed construction of a school and parking area for the proposed Ithaca Waldorf School, proposed to be located on Nelson Road near Danby Road, on Tax Parcel 2.-1-17.32; and

**WHEREAS**, this is an Unlisted Action for which the Town of Danby Planning Board, acting as Lead Agency in environmental review, has on April 28, 2011 made a negative determination of environmental significance; and

**WHEREAS**, the application was referred to the Tompkins County Planning Department for a recommendation pursuant to General Municipal Law 239-l and -m; and said Department has determined that there is no negative intercommunity or county-wide impacts; and

**WHEREAS**, the Planning Board has reviewed the draft Agricultural Data Statement for this proposal; and

**WHEREAS**, the Planning Board has reviewed the General Considerations Required for All Special Permits provided in Section 901 of the Town of Danby Zoning Ordinance; and

**WHEREAS**, the Planning Board on April 28, 2011 has held a public hearing on the matter;

### **NOW, THEREFORE IT IS**

**RESOLVED**, that the Town of Danby Planning Board accepts the draft Agricultural Data Statement for this proposal; and it is

**FURTHER RESOLVED**, that the Town of Danby Planning Board grants Final Approval for a Special Permit to Ithaca Waldorf School for the construction of a school and parking area as proposed, on Nelson Road near Danby Road, on Tax Parcel 2.-1-17.32; and it is

**FURTHER RESOLVED**, that modifications to the parking area designed to minimize lines of sight are acceptable to the Planning Board subject to variance if required.

**Moved by Selin, Second by Gagnon. The motion passed.**

**In Favor: Gagnon, Klingensmith, Melchen, Selin, Strichartz, Roe**

Klingensmith expressed her happiness that there has been a positive resolution to the existence of a Waldorf School in Danby. A temporary permit to start work was issued.

## **Danby Tornado Report**

Beeners reported on a tornado that touched down in Danby earlier during the day. She made a report of damage and actions taken. Five buildings had damage, with the worst at Hilltop Road. One thousand trees are down at the Kingsbury home and Tea House. The Kingsbury Preserve does not seem to be overly damaged. There are questions for some residents regarding insurance coverage. Overall, there is more damage from downed trees than house or building damage. FEMA will make a determination on April 29. Beeners gave a tour of damage to a representative from the Governor's office. She may give the Governor an official tour on April 29.

## **Deputy Planning Board Chair**

Robert Roe nominated Naomi Strichartz as Deputy Planning Board Chair. This was seconded by both Steve Selin and Anne Klingensmith. Strichartz accepted and stated that she would be able to lead meetings from time to time. Hearing no objections, Roe pronounced Strichartz to be the Deputy Chairperson.

## **Town Board Report**

Leslie Connors reported on recent activities and action of the Town Board. The Zoning Ordinance, related to the Appointment of Planning Board Alternates, has been changed from “shall appoint” to “may appoint.”

Connors reported that a resident has expressed concern about the development of rental units in low density residential areas. She suggested that the Planning Board review this area of the zoning. There was a short discussion about the impact of these units on various neighborhoods, and ways to provide affordable housing to different segments of the community while preserving open space. Strichartz suggested possible architectural guidelines for some areas. The PB also discussed limiting the development of duplex housing or multifamily housing to hamlet areas or certain neighborhoods.

## **Rapid Waters Unit Management Plan**

Roe described the response to the Rapid Waters Plan, including economic issues, that he had drafted as a private citizen. Gagnon then presented his draft to the PB. Roe stated that natural gas drilling in the State Forest is not inconsistent with the Danby Comprehensive Plan as that now stands. Gagnon pointed out that there is no provision for industrial activity anywhere in the Town, let alone in the State Forest. Selin agreed that the scale of the industry is the problem.

Klingensmith added that the Unique Natural Areas document for Michigan Hollow states that that region is the most species-rich habitat in the State. This habitat is especially important for breeding bird life and should be protected. Fracturing the forest could “do in” these birds. She urged the PB Rapid Waters response include language noting this important fact. Gagnon agreed to add something to this effect.

There was a lengthy discussion about the advisability of encouraging the DEC to manage the Danby State Forest for old growth. Some members expressed concern that this would be seen as unreasonable by the DEC, seen as a “red flag” and would detract from other, more important, requests. There was also the view that this is the last little shred of protected land and should not be further “shredded.” The question of managing old growth for habitat and of how management intersects with drilling are distinct issues. It was suggested that the Danby Planning Board includes a goal of having the State Forest be managed for native old growth while allowing some economic activity in the form of logging non-native species.

Written comments are due by May 14. Gagnon will add in comments related to biodiversity in the Danby State Forest. Once the draft is completed, he will transmit the response to Clerk Goddard for submission to the Department of Environmental Conservation.

### **RESOLUTION NO. 17 OF 2011 - APPROVAL OF RAPID WATERS RESPONSE**

**Resolved**, that the Planning Board of the Town of Danby supports the response to the NYS DEC Rapid Waters Unit Management Plan for the Danby State Forest as written by Joel Gagnon.

**Moved by Strichartz, Second by Klingensmith. The motion passed.**

**In Favor: Gagnon, Klingensmith, Melchen, Selin, Strichartz.**

**Abstained: Roe**

## **Approval of Minutes**

### **RESOLUTION NO. 18 OF 2011 - APPROVAL OF MINUTES**

**Resolved**, that the Planning Board of the Town of Danby approves the minutes of March 24, 2011.

**Moved by Strichartz, Second by Gagnon.**

**In Favor: Gagnon, Klingensmith, Melchen, Selin, Strichartz, Roe**

### **Land Use Training/Energy Sustainability**

Gagnon reported on his attendance in the Land Use Leadership Training Program. Learning about Natural Resource Law, particularly in relation to windmills, was a special “plus” to this training.

Beeners reported on a recent Energy Independent Caroline educational gathering and encouraged the Planning Board to consider engaging Dominic Frongillo to present similar event in Danby.

### **Zoning and Comprehensive Plan Review**

Dan Klein informed the Planning Board of a Town Board preliminary discussion regarding the feasibility of banning “fracking” in Danby. The Town attorney has advised that a first step would be to strengthen the Town’s zoning in this regard. Klein stated his interest in making an amendment to the Comprehensive Plan in regards natural gas drilling/high-impact industrial activity. Klein encouraged the Planning Board to revise the zoning in regards high-impact industrial activity. There was a preliminary discussion regarding zoning changes. PB members will contact municipalities and other agencies to learn what they are devising. This discussion will continue in May.

### **Planning Board Meetings**

There was a brief discussion about the Planning Board meeting schedule. It was decided to keep monthly Planning Board meetings on the fourth Thursday of each Month. The November meeting will likely be moved.

### **Adjournment**

The Meeting was adjourned at 9:20pm.

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Pamela S Goddard, Planning Board Secretary

These minutes were created from Beeners’ notes and from the sound recording.