

**Danby Planning Board  
Minutes of Public Hearings and Meeting  
November 29, 2012**

**Present:**

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

**Others Present:**

Secretary	Pamela Goddard
Code Officer	Sue Beeners
Town Board	Leslie Connors
Public	Michael Casper, Siobhan Silver, Tony Cain, George Brauhaus, Faith and Robert Chase, Eric Woods, Debby and Arthur Lecoq

**The Planning Board Casper Public Hearing was open at 7:00pm**

**Public Hearing - Casper B&B**

PUBLIC HEARING to Consider Approval regarding a request for Modifications to the Special Permit issued to Michael Casper on May 21, 2009 for a bed and breakfast dwelling, guest cabin, and a Buddhist Temple, where the proposed modification is the conversion of the residence at 1038 Comfort Road (15.-1-11.41) into a three-bedroom hotel. The bed and breakfast dwelling and temple are at 1040 Comfort Road (15.-1-11.42). Michael Casper, Casper Real Estate Trust, owner/applicant.

Casper presented information about his request. He consulted with the Department of Health regarding health permits. He was advised by Steve Maybe that this project does not fall under any regulations. The septic system may need to be upgraded into a larger system at a future date. Beeners confirmed that this project triggered no additional requirements by the Health Department. A design for a sprinkler system is being drafted at this time. A set of plans, stamped by an Architect, should be complete in December.

Strichartz noted that the property has been on the market. She asked whether Casper was still looking to sell the land and buildings? Casper responded that the property is still on the market. Strichartz suggested that a condition be added to the Special Permit Modification that this permit is personal to the applicant. Any new owner would need to come before the Planning Board for permit approval.

Beeners provided language for that condition and noted a provision in the zoning ordinance that would support this condition.

**The Casper Public Hearing was closed at 7:08pm**

**Public Hearing - Stork H&E TurboBlading, Inc. was opened at 7:09pm**

PUBLIC HEARING to Consider Approval regarding an Application for Site Plan Approval for a proposed addition of between 21,000 and 26,000 sq. ft. to the rear of the existing buildings at Stork H & E TurboBlading, Inc., 334 Comfort Road, Tax Parcel 1.-1-25.1, Planned Development Zone 5. Stork H & E TurboBlading, Inc., Owner.

Arthur Lecoq expressed concerns about the use and disposal of cutting oils, solvents, etc. The Lecoq property, North and downhill from the Stork facility, has five natural springs that feed from the Stork property. Purchasing Manager, Tony Cain, responded that the only solvent used is a cleaning solvent. This is contained in cleaning bins. This is safely stored until collected by "Safety Clean." Stork uses other, non-toxic solvents which are recycled back into the operating machinery. Sealed tanks are also collected by "Safety Clean." The use of all these substances is overseen by the Department of Environmental Conservation. Cain stated the the facility makes every effort to have materials such as paint, cleaning solvents, etc. contained and properly taken care of.

A revised site plan was presented by architect George Brauhaus. Revisions primarily addressed the issue of adequate off-street parking raised by the Tompkins County Planning Department. Brauhaus outlined a three phase response to that concern, phases dependent on the potential growth of the company. The lot is currently drawn for 97 parking spaces. These tend to be wider than required. By redrawing the spaces, the lot could accommodate up to 126 spaces. This should be more than adequate for the estimated number of 150 employees, distributed over three work shifts, following the consolidation of the Danby and Catatunk manufacturing plants. It is known that some employees car-pool to the facility. An existing area which could provide an additional ten parking spots, should the business hire additional staff, but this is not anticipated at this time. Employment has actually diminished with the introduction of more efficient machinery.

Robert Roe asked about truck Traffic. Tony Cain stated that it should be less. All raw materials for both facilities are currently delivered to the Danby facility. With the closure of the Catatunk site, materials will no longer need to be re-shipped to a second facility. Everything should be the same. Steel deliveries are down, as Stork has stock.

Eric Woods, the neighbor directly to the north of the Stork facility voiced several concerns. He asked about plans to expand the night shift. Woods was concerned as he can currently hear conversations clearly when workers are outside in the bay area. Cain answered that there should be no more than six additional people on second and third shift, possibly only two. Additionally, a new employee smoking area, located in the interior "courtyard" of the buildings, should address the sound problem. Woods had an additional question about increased traffic when the 3rd shift transitions to the morning shift. He is concerned about traffic interaction with school buses and children waiting for school buses. There is a similar concern during the transition from first to second shift.

Faith Chase voiced her concerns regarding traffic and water use. Cain reported that there were no water problems reported, even during last summer's drought. Stork does not have an extraordinary use of water, as it is not a water-based business. Water is used for toilets and personal wash sinks, not for industrial purposes.

Woods asked about a possible septic system redesign. The area being proposed for a new septic field tends to be wet and may have natural springs. The architect described a possible relocation of the Stork septic system, as needed related to potential parking lot expansion.

There was an extended discussion of possible increased traffic, particularly as it intersects with other traffic. This discussion included possibly resetting the speed limit in that area and asking the Sheriff to watch for violations. The speed limit is currently 55mph on Comfort Road (a county road).

Connors asked about a possible vegetative buffer to the North, as is already planned for the Southern boundary. Cain expressed a willingness to investigate and address this issue.

Strichartz stated that, while not directed at Stork individually, she is concerned about, "How big is too big for a low density residential neighborhood." She stated her opinion that previous Planning Board approval and development of industrial areas through Planned Development Zones negates other zoning regulations. She described this as a major failure of the Town, as this could happen on any rural road. Klingensmith agreed that this concern is a general issue which needs further consideration. She described Planned Development Zones as a problem which needs to be fixed.

**Public Hearing - Stork H&E TurboBlading, Inc. was closed at 7:47pm**

## **The Regular Meeting of the Planning Board was opened at 7:47pm**

### **Privilege of the Floor**

Debbie Lecoq spoke in appreciation of PB consideration of, “How big is too big?” She also supports a 45mph speed limit on Comfort Road. There was continued discussion of speed limit reduction on Comfort Road, with an informal recommendation that the Town Board research making a request to have the speed limit changed on Comfort Road to 35 or 45 mph.

### **Additions to Agenda**

The Board made a few additions to the agenda, including considering recommendations for appointments to the upcoming PB vacancy and chair and consideration of the December PB meeting. Klingensmith and Secretary Goddard each had general information to share with the Board.

### **Discussion Casper Special Permit Modification**

Gagnon expressed concern about use of the term “hotel,” as this is not a permitted use in a low density zone. Beeners noted that this needs to be called a “hotel” due to the current building code. There was discussion about adding language to clarify the size and scope of this project, as opposed to a large commercial hotel. Gagnon asked for a clause in the resolution specifying the small size of this operation, so that this does not set a precedent for a hotel in an area zoned low density.

#### **RESOLUTION NO. 32 OF 2012 - CASPER SPECIAL PERMIT MODIFICATION, 1038/1040 COMFORT ROAD**

**Whereas**, this action is to consider approval of a request for Modifications to the Special Permit issued to Michael Casper on May 21, 2009 for a bed and breakfast dwelling, guest cabin, and a Buddhist Temple, where the proposed modification is the conversion of the residence at 1038 Comfort Road (15.-1-11.41) into a three-bedroom hotel. The bed and breakfast dwelling and temple are at 1040 Comfort Road (15.-1-11.42). Michael Casper, Casper Real Estate Trust, owner/applicant; and

**Whereas**, this is Type II action being that the proposed three-bedroom hotel is proposed to initially be a bed and breakfast dwelling and with the possible future changes to be limited to having the dwelling be non-owner occupied; and thus equivalent to the construction or alteration of a 1-, 2-, or 3-unit dwelling; and

**Whereas**, the Planning Board on November 29, 2012 has held a public hearing to hear all persons interested in this action;

#### **Now, Therefore, it is**

**Resolved**, that the Planning Board finds that a three bedroom hotel is functionally equivalent to a bed and breakfast dwelling, which is a permitted use in low density residential zones, and it is

**Further Resolved**, that the Town of Danby Planning Board grants approval to the request for Modifications to the Special Permit issued to Michael Casper, Casper Real Estate Trust, for a bed and breakfast dwelling, guest cabin, and a Buddhist Temple, where the proposed modification is the conversion of the residence at 1038 Comfort Road (15.-1-11.41) into a three-bedroom hotel; and with the bed and breakfast dwelling and temple being located at 1040 Comfort Road (15.-1-11.42); Michael Casper, Casper Real Estate Trust, owner/applicant; with the following provisions and conditions:

1. The proposed three-bedroom hotel may initially be a three-bedroom bed and breakfast dwelling.
2. Both dwellings (1038 and 1040 Comfort Road) shall remain compliant with relevant requirements of the Tompkins County Health Department and with the current fire and building codes.
3. Said approval is personal to the applicant without prejudice to a subsequent owner making application to the Planning Board.

**Moved by Strichartz, Second by Kruppa.**

**In favor: Gagnon, Klingensmith, Kruppa, Melchen, Selin, Strichartz, Roe.**

## **Discussion Stork Site Plan Approval**

Beeners asked that the minutes note that the draft environmental assessment is to be modified to show that the existing parking lot is sufficient for the anticipated workforce and that the site plan shows that additional on site parking is possible.

Strichartz asked whether it was feasible to request a traffic study on Comfort Road prior to a final vote on these resolutions. Beeners responded that it was unlikely that a new traffic study would provide significant new information over the most recent 2010 traffic count. At that time there was an average of 813 daily trips on that section of road. The proposed expansion would add 50-60 vehicle trips. Woods noted that there are some vehicles make three or four passes a day, including arrival and departure from work and for lunch hour. He also observed that traffic leaving the facility tends to be faster and more intense than that arriving. Selin supported the option for renewed traffic study, as a potential 40% increase in traffic might be significant at a hazardous time of the day. There was some discussion of what options are available to Stork and the Town to mitigate traffic concerns.

Strichartz made a statement to the effect that the purpose of the PB is to implement the Comprehensive Plan as regards a rural lifestyle in Danby, and protect the lifestyles of the people who own property in Danby. This might not be particular to the issue being considered, but relate to larger zoning questions.

### **RESOLUTION NO. 33 OF 2012 - SEQR DETERMINATION - STORK H & E EXPANSION PROJECT – SITE PLAN APPROVAL**

**Whereas**, this action is to consider granting Site Plan Approval for a proposed addition of between 21,000 and 26,000 sq. ft. to the rear of the existing buildings at Stork H & E TurboBlading, Inc., 334 Comfort Road, Tax Parcel 1.-1-25.1, Planned Development Zone 5; Stork H & E Turboblading, Inc., Owner; and

**Whereas**, this 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 draft environmental assessment and the recommendation of the Code Enforcement Officer that a negative determination of environmental significance be made;

**Now, Therefore, it is**

**Resolved**, that the Town of Danby Planning Board, acting as Lead Agency in environmental review of this Unlisted Action, makes a negative determination of environmental significance.

**Moved by Gagnon, Second by Kruppa.**

**In favor: Gagnon, Klingensmith, Kruppa, Melchen, Selin, Strichartz, Roe.**

Kruppa noted that a vegetative buffer on the southern property boundary was included in the site plan. He suggested that a similar buffer be included on the northern property boundary. Cain, as Stork representative, expressed a willingness to plant trees. There was a discussion of the most appropriate trees and the most effective location for sound and visual buffering at that site.

Klingensmith asked for clarification regarding the range of square footage in the site plan. The architect responded that the size of the link buildings/breezeways has not yet been determined. The size of the footprint of the main building is set.

### **RESOLUTION NO. 34 OF 2012 - STORK H & E EXPANSION PROJECT – SITE PLAN APPROVAL**

**Whereas**, this action is to consider granting Site Plan Approval for a proposed addition of between 21,000 and 26,000 sq. ft. to the rear of the existing buildings at Stork H & E TurboBlading, Inc., 334 Comfort Road, Tax Parcel 1.-1-25.1, Planned Development Zone 5; Stork H & E TurboBlading, Inc., Owner; and

**Whereas**, this is an Unlisted action for which the Town of Danby Planning Board, acting as Lead Agency in environmental review has on November 29, 2012 made a negative determination of environmental significance; and

**Whereas**, the application for this project was reviewed by the Tompkins County Department of Planning pursuant to General Municipal Law 239-l and -m, and the Department has responded on November 21, 2012 requesting that the proposal be modified, with the modification to entail requiring the applicant to identify a location for future parking expansion should the operation's parking needs increase; and

**Whereas**, the Planning Board on November 29, 2012 has held a public hearing to hear all persons interested in this action; and

**Whereas**, at said public hearing, applicant has demonstrated how additional parking spaces could be developed to accommodate possible initial and future increases in employment; on three site plans entitled "Building Addition, Stork H & E TurboBlading, 334 Comfort Road – Proposed Site Plan – Additional Parking – Phase 1, Phase 2, and Phase 3";

**Now, Therefore, it is**

**Resolved**, that the Town of Danby Planning Board reports to the Tompkins County Department of Planning that the Planning Board finds that there is adequate provision for future parking expansion should the facility's parking needs increase, and it is

**Further Resolved**, that the Town of Danby Planning Board grants Site Plan Approval for the proposed addition of between 21,000 and 26,000 sq. ft. to the rear of the existing buildings at Stork H & E TurboBlading, Inc., 334 Comfort Road, Tax Parcel 1.-1-25.1, Planned Development Zone 5; Stork H & E TurboBlading, Inc., Owner, with the following conditions:

1. Conformance with relevant requirements of Town and State Stormwater and Erosion Control regulations.
2. The continued provision of an adequate number of off-street parking spaces, generally as shown on the aforesaid site plans, with the provision that any use of Tax Parcel 1.-1-24.4 for constructed parking areas as shown on the "Phase 3" site plan is subject to application to and approval of a modification of the boundaries of Planned Development Zone 5 to include said tax parcel.
3. A vegetative buffer be provided between the proposed expansion and the residence adjacent to the North.

**Moved by Gagnon, Second by Kruppa.**

**In favor: Gagnon, Klingensmith, Kruppa, Melchen, Selin, Roe.**

**Abstain: Strichartz.**

### **Recommendation Regarding Planning Board Vacancy**

There was a discussion regarding the Strichartz term ending Dec. 31, 2012. Strichartz made a statement that she would like to continue on the Planning Board. She believes that she has a stake in the future with children and grandchildren living in the town.

There was a brief discussion of whether a recommendation was premature without knowing who else may be interested in serving on the Planning Board. Others may still apply. Members of the Board expressed the view that the PB is in the middle of a big project and it would be useful to have continuity of personnel.

### **RESOLUTION NO. 35 OF 2012 - RECOMMENDATION REGARDING PLANNING BOARD VACANCY**

**Resolved**, that the Town of Danby Planning Board recommends that the Town Board reappoint Naomi Strichartz to a full term on the Planning Board.

**Moved by Roe, Second by Klingensmith.**

**In favor: Klingensmith, Kruppa, Melchen, Selin, Roe.**

**Abstain: Gagnon, Strichartz.**

### **Recommendation Regarding Planning Board Chair**

There was a discussion about making a recommendation to the Town Board regarding the appointment of PB chair for 2013. The Board cited continuity as a reason for recommending Robert Roe for another term as Chair. Roe's position on the PB runs through December 31, 2013.

There was a discussion regarding what has been achieved in 2012 and the direction of the PB for the next year. There was a difference of opinion as to how effective the PB has been in the past year. There was agreement that the Board has a good working relationship, but disagreement as to how productive it has been. Beeners reminded the Board that previous productivity was made possible by interns assisting with work. There was general discussion regarding a work plan for 2013.

## **RESOLUTION NO. 36 OF 2012 - RECOMMENDATION REGARDING PLANNING BOARD CHAIR**

**Resolved**, that the Town of Danby Planning Board recommends that the Town Board appoint Robert Roe as Planning Board Chair for 2013.

**Moved by Melchen, Second by Selin.**

**In favor: Gagnon, Klingensmith, Kruppa, Melchen, Selin, Strichartz.**

**Abstain: Roe.**

## **Consider December Meeting**

There was continued discussion regarding a work plan for 2013. As there is nothing pressing on the PB agenda, the Board agreed to use December for individual work on revisions to the Comprehensive Plan. Chair Roe suggested that each member come to the January meeting with at least a rough draft of proposed changes to their section of the Comprehensive Plan. Editable electronic copies of the Amended Comprehensive Plan will be sent to those PB members who request it.

## **RESOLUTION NO. 37 OF 2012 - CANCEL MEETING**

**Resolved**, that the Planning Board of the Town of Danby will cancel its December 20, 2012 meeting with the understanding that Planning Board members will use the time to prepare recommendations for revisions to the Danby Comprehensive Plan. The January meeting of the Planning Board will take place on January 24, 2013.

**Moved by Roe, Second by Strichartz.**

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

## **Town Board Report**

Connors reported on recent activities of the Danby Town Board. She informed the board that Frank Proto had reported that some gas companies are allowing leases to expire without an effort to renew. This led to a general discussion of gas drilling related issues.

## **Aquifer Protection Ordinance**

Beeners reported on progress of the proposed Aquifer Protection Ordinance. The Danby Gas Drilling Task Force is currently working on reviewing the ordinance. The intent of the law is to prohibit the storage of industrial type materials and chemicals throughout the town. Information from the USGS Aquifer study show that there is no location in the town which is not an aquifer, watershed area, or aquifer recharge zone. There are exemptions for agricultural uses, with the use of best management practices outlined by the state.

The GDTF will draft a list of common uses and potential impacts from the proposed Aquifer Protection Ordinance. This information could be used in a public information meeting.

USGS researcher Todd Miller will have a completed draft of the Danby Aquifer Study in December. It will then go for peer review. Miller has offered to make a public presentation of his findings. It is anticipated that this presentation will be hosted by the Gas Drilling Task Force in early February, 2013.

## **Member items**

Klingensmith reported on "red flag" water monitoring that she is conducting through the Community Science Institute. The first in a "What's in Your Watershed" lecture series will take place at the Tompkins County Public Library, 6-8pm, on December 5, 2012. Klingensmith encouraged PB members to attend. An electronic version of the event notice has been sent to members of the PB.

Goddard distributed information about ten-week course on farm business planning that will be held in Ithaca in early 2013. There is sliding scale tuition.

## **Approve Minutes**

### **RESOLUTION NO. 38 OF 2012 - APPROVE MINUTES**

**Resolved**, that the Planning Board of the Town of Danby approves the minutes of October 25, 2012.

**Moved by Gagnon, Second by Klingensmith.**

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

**Abstain: Roe.**

## **Adjournment**

The meeting was adjourned at 9:04 pm.

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Pamela Goddard, Planning Board Secretary