

**Town of Danby Planning Board  
Minutes of Special Meeting  
January 5, 2015**

**Present:**

Joel Gagnon  
Jim Rundle  
Steve Selin  
Naomi Strichartz

**Absent:**

Frank Kruppa  
Ted Melchen

**Others Present:**

Secretary	Patty Jordan
Town Board	Leslie Connors
Public	Anne Klingensmith, Pat Woodworth, Charles Tilton, Silas Conroy, David Hall, Chris Kirby, Adric Garlick

**Priviledge of the Floor**

David Hall's three potential tenants for the former Flax building spoke briefly about their businesses. Chris Kirby, Ithaca Hummus, explained that they have outgrown the cold storage facility at their current location and hope to move to the former Flax building. In order to cut his water use in half, Kirby stated that he plans to start cooking the beans in the same water in which he soaks them. Kirby estimated his water usage, if he moves to the former Flax building, to be 450-500 gals/day when in full operation. He also indicated that it might be possible to purchase water if it becomes a problem at the former Flax building.

Silas Conroy spoke about his company, Crooked Carrot, a food producer that buys local organic produce and currently makes about 20 different products, such as pickles and applesauce. He said that he uses water mostly for washing the produce and his water consumption on a heavy water day is 100-200 gals/day.

Steve Selin, South Hill Cider, said that he currently produces his hard cider in Burdett but that he has outgrown that facility. At full capacity, his highest use day would be 300-400 gals/day but that would only occur about 12 days in a year. He estimated his average water use at about 50 gals/day.

Pat Woodworth (305 Gunderman Road) handed out a document that she and Charles Tilton had signed. The document calls for the wording of the allowed usages in PDZ 10 be tight and clear. She also spoke briefly to stress how important she feels it is that the PDZ usage language be as specific as possible to avoid misinterpretation.

Strichartz said that it's a false premise to base any argument on the Angelheart business which had negative impacts, such as water usage, number of employees, lighting, hours of operation, and noise, on the neighborhood. Hall said that the paperwork he was asked to fill out required him to compare his proposed usage to the former usage.

Anne Klingensmith said that she is willing to be reappointed to the Planning Board for a second term.

**MOTION – RECOMMEND TO THE DANBY TOWN BOARD THAT ANNE KLINGENSMITH BE REAPPOINTED FOR SECOND TERM ON THE TOWN OF DANBY PLANNING BOARD**

**Moved by Selin; Second by Rundle. The motion passed.  
In Favor: Gagnon, Rundle, Selin, Strichartz**

## Consideration of Hall's Proposals

Consider approval of the Subdivision of Tax Parcel 9.-1-9.12, 279-303 Gunderman Road, into three lots of 1.2, 3, and 22.8 acres, with each lot to contain preexisting buildings; AND FURTHER, to consider a Recommendation to the Town Board with respect to the proposed change in permitted uses in Planned Development Zone 10, which encompasses 9.22 +/- acres of said Tax Parcel, with the remaining parcel zoned Low Density Residential. JLF Holdings, LLC/David Hall, owner/applicant.

There was a lengthy discussion of the impacts that the change in permitted uses in PDZ 10 would have on the neighborhood. The three potential major impacts would be to the quantity and quality of the water supply, increase in traffic, and disruptions caused by the hours of operation. There was also discussion of "incubator" businesses and the concerns associated with their growth. The PB reviewed the suggested changes to the PDZ 10 local law that had been drafted by Code Enforcement Officer, Sue Beeners. It was decided that Light Industry (as defined in the Town of Danby Zoning Ordinance) would be a permitted use by right and the phrase "business incubator" would be deleted. It was also decided to delete storage and warehousing from the list of uses given that they are included in "light industry." After discussion of what should trigger an assessment of the water usage, it was decided that a level of 750 gals/day or a complaint from a neighbor would be enough to warrant a hydrogeological inquiry and review by the Planning Board. Strichartz stated that 6:00 am is too early to start hours of operation. Hall agreed that the main hours should be changed to 8:00 am to 8:00 pm. In an effort to mitigate the increase in traffic, Hall suggested that auctions with over 30 attendees be limited to no more than once every three weeks. He also agreed that no auction would exceed 100 attendees and that attendees would not park on the road.

Strichartz pointed out that it was 9:00 pm and asked for a motion to extend the meeting.

### **MOTION – EXTEND THE SPECIAL MEETING BY 15 MINUTES**

**MOVED BY RUNDLE; SECOND BY GAGNON. THE MOTION PASSED.**

**IN FAVOR: GAGNON, RUNDLE, SELIN, STRICHARTZ**

### **RESOLUTION NO. 1 OF 2015 – 279-303 GUNDERMAN ROAD – SEQR DETERMINATION FOR CONSIDERING SUBDIVISION APPROVAL**

**Whereas**, this action is to consider approval of the Subdivision of Tax Parcel 9.-1-9.12, 279-303 Gunderman Road, into three lots of 1.2, 3, and 22.8 acres, with each lot to contain preexisting buildings; JLF Holdings, LLC/David Hall, owner/applicant; and

**Whereas**, this is a Type I action for which the Town of Danby Planning Board is acting as Lead Agency in subdivision review; and

**Whereas**, the Planning Board has reviewed the Full Environmental Assessment Form for this action, 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 for this Type I action, makes a negative determination of environmental significance.

**Moved by Gagnon; Second by Rundle. The motion passed.**

**In Favor: Gagnon, Rundle, Selin, Strichartz**

### **RESOLUTION NO. 2 OF 2015 – 279-303 GUNDERMAN ROAD – CONSIDER SUBDIVISION APPROVAL**

**Whereas**, this action is to consider approval of the Subdivision of Tax Parcel 9.-1-9.12, 279-303 Gunderman Road, into three lots of 1.2, 3, and 22.8 acres, with each lot to contain preexisting buildings; JLF Holdings, LLC/David Hall, owner/applicant; and

**Whereas**, this is a Type I action for which the Town of Danby Planning Board, acting as Lead Agency in subdivision review, has on January 5, 2015 made a negative determination of environmental significance; and

**Whereas**, the Planning Board has held a public hearing on this matter on December 18, 2014; **Now, Therefore, it is**

**Resolved**, that the Town of Danby Planning Board grants subdivision approval for the proposed subdivision as presented, conditional upon submission of a final survey map for signing by the Planning Board chairperson.

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

**In Favor: Gagnon, Rundle, Selin, Strichartz**

**RESOLUTION NO. 3 OF 2015 – 279-303 GUNDERMAN ROAD – CONSIDER RECOMMENDATION TO TOWN BOARD WITH RESPECT TO PROPOSED CHANGE IN PERMITTED USES, PLANNED DEVELOPMENT ZONE 10**

**Whereas**, this action is to consider a Recommendation to the Town Board with respect to the proposed change in permitted uses in Planned Development Zone 10, which encompasses 9.22 +/- acres of Tax Parcel 9.-1-9.12, 279-303 Gunderman Road, with the remaining parcel zoned Low Density Residential. JLF Holdings, LLC/David Hall, owner/applicant; and

**Whereas**, this is a Type I action for which the Town Board of the Town of Danby is Lead Agency in environmental review, and the Planning Board is an involved agency; along with the Tompkins County Dept. of Planning pursuant to General Municipal Law 239-l and -m; and

**Whereas**, the Planning Board has on December 18, 2014 held a public hearing on this matter; NOW, THEREFORE, IT IS

**Resolved**, that the Planning Board recommends that the Town Board adopt a local law amending Local Law No. 1 of 1997, "A Local Law Amending the Town of Danby Zoning Ordinance Related to Boundaries and Permitted Uses of Planned Development Zone 10 and Adjoining Lands," which Local Law No. 1 of 1997 includes the general site plans for the Zone which remain unchanged, and it is

**Further Recommended** that said amending local law read as follows:

**(Proposed Town of Danby Local Law No. \_\_\_ of 2015)**

**Town of Danby  
Local Law No. 1 of 2015  
A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1997 RELATED TO  
PERMITTED USES IN PLANNED DEVELOPMENT ZONE 10  
AND ADJOINING LANDS  
Adopted by Danby Town Board on XXX**

Be it enacted by the Town Board of the Town of Danby as follows:

**Section 1.**

Local Law No. 1 of 1997, "A Local Law Amending the Town of Danby Zoning Ordinance Related to Boundaries and Permitted Uses of Planned Development Zone 10 and Adjoining Lands," is hereby amended as follows:

Subsection 3(a) and 3(b) are deleted in its entirety and is replaced by a new subsection 3 reading as follows:

3(a) "Unless otherwise prohibited by this Local Law, any permitted principal or accessory use permitted in a Low Density Residential Zone is also permitted in Planned Development Zone 10. Any use permitted upon approval of a Special Permit in a Low Density Residential Zone is also permitted upon approval of a Special Permit in Planned Development Zone 10.

"The "Barn" (being 303 Gunderman Road) may also be used for the following as permitted principal or accessory uses:

- I. Administrative, clerical, and professional offices
- II. Medical clinics
- III. Warehouse, storage
- IV. Food/beverage processing and manufacturing but not to include commercial on-premises consumption
- V. Auction facility located inside a building on the premises; auctions with over 30 attendees may be held only once in a 3 week period; auctions shall not exceed 100 attendees; auction attendees may not park on the road, sound from said auctions shall not be heard on neighboring properties.
- VI. Community Supported Agriculture (CSA)

In addition, the "Barn" may be used for the following upon the granting of a Special Permit:

- I. Food preparation with accessory commercial on-premises consumption
- II. Retail sales facility
- III. Light Industry other than the uses specifically listed within this local law
- IV. Auctions and auction facility located outside a facility on the premises

Any subsequent new commercial building or related addition (as generally depicted on the site plans accompanying Local Law 1 of 1997) may also be used for the following upon the granting of a Special Permit:

- I. Administrative, clerical, and professional offices
- II. Medical clinics
- III. Food/beverage manufacturing with or without accessory commercial on-premises consumption
- IV. Auction facility located inside or outside a building on the premises
- V. Warehouse, storage
- VI. Community Supported Agriculture (CSA)
- VII. Retail sales facility

3 (b) Notwithstanding the foregoing, the maximum total proposed or actual water usage from on-site groundwater sources within said "Barn" (including within said total the usage in any subsequent new commercial building or related addition) shall not exceed 750 gallons per day average day demand until and unless an assessment of the potential adverse impacts of the proposed or actual usage on surface water and groundwater resources is conducted for review and approval by the Planning Board. Said review will follow the same procedures and criteria as provided for Special Permits. Said assessment shall occur if and when the proposed or actual water usage meets 750 gallons average based on at least one month's usage or if a neighbor within 1500 feet develops a problem with their well, consults independently with a qualified well driller or hydrogeologist about such problem and reports such problem to the Town.

Such assessment shall include an analysis of the magnitude and extent of water level draw-down that will result from groundwater withdrawals associated with a projected 1,000 gallons per day average day demand as well as an evaluation of potential impacts of drawdown on groundwater and surface water within a minimum of 1,500 feet of well(s) proposed to supply said water usage in excess of 1,000 gallons per day. The method of analysis shall be approved by the Planning Board, and shall be developed using standard methods; and will include an analysis of potential conditions during normal and drought periods.

In addition to any other considerations or conditions provided in the Zoning Ordinance or in this local law, review and any approval by the Planning Board of the proposed water usage and its assessment must include the following determinations:

- I. The proposed usage will not adversely affect the quality or quantity of off-site water resources including private wells.
- II. There are sufficient water supply resources to meet the short-term and long-term needs of the use.

New Subsections 3(d), 3(e), and 3(f) are inserted, reading as follows:

3 (d) "A meter shall be installed and maintained at the water system within said "Barn" so that water usage in that building can be monitored. The building owner shall submit annually to the Town Code Enforcement Office a log of water usage measurements made at least monthly for such purpose. Additionally, the building owner shall notify the Town Code Enforcement Office immediately upon recorded usage indicating average day use meeting or exceeding 750 gallons a day in the prior month.

3 (e) All new tenancies shall be reported to the Town Code Enforcement Officer before such tenants occupy the "Barn" and any future addition. Any involved in food preparation, medical clinic, or other use which would typically use more water than typical to office usage shall, prior to occupancy, provide an estimate of average water usage to the Code Enforcement Officer with calculations.

3(f) The following additional limits shall not be exceeded by all operations, in the aggregate, that occupy the facility (being the "Barn" and any future addition):

- I. No more than 50 full-time employees, or equivalent, shall work at the facility.
- II. The main hours of operation shall be limited to 8am until 8pm. Between 8pm and 8am, no more than 5 employees may occupy the facility at the same time.
- III. No more than 5 trips of commercial vehicles with 3 or more axles, to the facility shall occur within any 24-hour period.
- IV. All equipment and materials of commerce shall be stored out of the sight of neighbors, except that cars and trucks used as part of a business may be stored outside, and except that materials being auctioned off in an approved outside auction may be stored outside on a short-term basis."

Existing Subsections 3(c) through 3(i) are re-lettered as 3(g) through 3(m) respectively.

## **Section 2.**

Partial Invalidity. If any provision of this local law is found to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provisions of this local law.

## **Section 3: Effective Date**

This local law shall take effect 10 (ten) days after its publication in the official newspaper of the Town or on the date it is filed in the Office of the Secretary of State of the State of New York.

**Moved by Selin; Second by Gagnon**

**In Favor: Gagnon, Rundle, Selin**

**Abstain: Strichartz**

There was a brief discussion of what the voting results for Resolution No. 3 indicated with no consensus reached.

**Adjournment**

The meeting was adjourned at 9:20pm.

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Patty Jordan, Planning Board Recording Secretary