

Town of Danby Planning Board  
Minutes of Regular Meeting  
Thursday December 17, 2015

**DRAFT**

**PRESENT:**

Joel Gagnon  
Frank Kruppa  
Jim Rundle  
Steve Selin  
Naomi Strichartz  
Ted Melchen

**ABSENT:**

Anne Klingensmith

**OTHER ATTENDEES:**

Town Planner C.J. Randall  
Town Board Leslie Connors  
Rec. Secretary Kelly Cecala  
Public Ted Crane, Charles Tilton, Pat Woodworth and David Hall

*The meeting was opened at 7:02 pm.*

**CALL TO ORDER/AGENDA REVIEW:**

Frank Kruppa handed out the agenda to the Board for comment and review. Kruppa added the approval of October 15th and October 22nd meeting minutes to the agenda. Strichartz noted that tonight was Ted Melchen's last meeting and suggested that Ted's expired term be added to the agenda.

**PRIVILEGE OF THE FLOOR**

Pat Woodworth read from a written statement and wanted to highlight a couple of major issues she had. She said the revised proposal is still worse than the current law with respect to the negative impacts on the neighborhood.

Woodworth said the current law has no limit on employees and added that the actual number began small and increased up to 70 (based on a statement from the previous owner) and then declined as jobs moved to Lithuania. Woodworth said the current law limits activities to clothing manufacturing and it's clients and customers accessing the site. But the proposed law limits employees to 65, so the number of employees could be constantly at the previous maximum level, and the uses would allow unlimited clients, patients, and customers. She added that to reduce health care costs, the recommended time frame for a medical appointment is now between 11 and 15 minutes. This allows 4 or 5 appointments per hour, per medical personnel. Woodworth said that in a 6 or 7 hour work day this is a lot of medical appointments with resulting increased traffic because of the appointments.

Woodworth said that justification for why the proposed law is consistent with the Town's Comprehensive Plan are included in the proposed law. She said that voting for the proposal includes voting in favor of the justification. Woodworth remarked that the law includes a statement that says that the law will increase businesses in the town center. Woodworth said that Joel noted at the last meeting that this was "a hope" however the law says that it is a fact. She added that voting for the law means voting that the law will increase businesses to town center.

Woodworth also noted that the new law includes a statement that says the law will preserve more open space. She added that the law allows a new building and more parking, so assuming that open space does not include parking lots and the inside of large buildings, the law does not (actually) preserve open space. She concluded by saying that voting for the law, or the revised law, means voting that the law does preserve open space.

Charles Tilton said "this feels like deja vu all over again" and added that he thought all of "this" (concerns and impacts) had already been done before. Tilton wanted to clarify that he supports the Autism Clinic and a few of the other activities that David Hall wants to do. But he added that the new law (with modifications) is still too broad and that he opposes it.

David Hall said that there were still some ADA problems with the language used for the medical clinics. Hall said that using the term "developmental disabilities" may or may not be accepted. Hall stated that there is a debate as to whether or not "autism" is defined as a disability or a learning difference. Hall suggested to use some other phrase that would not violate the ADA but would allow him to conduct a therapy modle on site. Hall mentioned that therapy sessions typically last an hour and are not "turn and burn" appointments like ordinary medical clinics. Hall said that he heard the employee maximum had peaked at 90 and wanted to clarify that there is no limitation in the current law. Lastly, Hall added that the medical clinic is limited to square footage, in addition with the appointments times lasting longer.

Ted Crane wanted to discuss the past, present, and future of Gunderman Road. Crane said, from what he has heard, what was there in the past really wasn't deemed acceptable and if it was permitted, it happened. Crane commented to look at the present day and added that any change will be an increase, no matter what. Crane said to then look at the future and what is being permitted and what are the impacts. He gave an example that "textiles" is a permitted use (which it is currently) and added that this is only one out of several permitted uses in the new law. Crane said the traffic impact for this one single use, in conjunction with the permitted auctions of up to 30 participants per day, could exceed 100 cars per day in the neighborhood. Crane added to multiple this by another 20 or so uses. Crane concluded by stating that there is no obligation to grant what the applicant wants. Crane suggested to turn it down.

Ted Crane stated that Steve Selin was a potential client (user of the property) at Gunderman Rd. and requested that Selin refrain from voting on the law. Leslie Connors said that on a similar topic, when the Waldorf School issue came before the board, Naomi Strichartz excused herself from voting because she said it was a conflict of interest. Strichartz said that she didn't recall excusing herself from the vote and that she remembered voting on the Waldorf School. Strichartz added that she has zero conflict of interest and the suggestion was outrageous. Strichartz read an article from the newspaper regarding declining ground water nationwide and added that Danby is in a shallow aquifer and said that she believes the next world war would be over water. Strichartz commented that it is irresponsible not to include water in (the) consideration of development proposals.

**APPROVAL OF MINUTES**

Jim Rundle noted that comments made by Jacob Brenner and Jody Scriber were missing from the Public Hearing minutes on October 15, 2015. Kelly Cecala acknowledged that statements were missing from the draft and would be editing and adding any missed statements to the final copy.

**MOTION - Approve October 15, 2015 Minutes (Public Hearing) pending the addition of the statements made by Jacob Brenner and Jody Scriber.**

Moved by Rundle, Second by Strichartz

In Favor: Gagnon, Melchen, Rundle, Selin, Strichartz, Kruppa

The motion passed

**MOTION - Approve October 22, 2015 Minutes (Special Meeting)**

Moved by Gagnon, Second by Rundle  
In Favor: Gagnon, Melchen, Rundle, Selin, Strichartz, Kruppa  
The motion passed

**MOTION - Approve November 19, 2015 Minutes**

Moved by Gagnon, Second by Rundle  
In Favor: Gagnon, Rundle, Strichartz, Kruppa  
Against: Melchen  
Abstain: Selin  
The motion passed

**PDZ 10 DISCUSSION: ADOPTING AN OFFICIAL RESOLUTION**

Kruppa confirmed that the previous vote for draft PDZ 10 did not pass and stated that there are three draft resolutions to consider and vote on tonight: (1) to recommend; OR (2) recommend with modifications; (3) OR not recommend.

Gagnon wanted to discuss the issue that Connors brought up of one recusing themselves to vote and wanted to determine who should or should not vote. Gagnon said that under the law if a person is going to personally benefit, or receive financial gain, then there is a conflict of interest to the action being set before you. Selin stated that he recently signed a two year lease in Trumansburg and within that time he would hopefully have his own place built. Strichartz said that the only reason for a board member to recuse themselves is if there was an economic concern, which there is not, therefore she will not be recusing herself from the vote. Kruppa stated that he did not feel it was the Planning Board's responsibility to make the determination and that it would be left up to the individual to refer to the town's rules and ethics and make the determination on their own. He added that the Town Board or a person can challenge it versus the Planning Board passing judgment on an individual's circumstances.

Rundle said that he changed his vote to no at the last meeting because the comments from the public weighed heavily on him. Rundle said that (we) as a Planning Board need to take a long-view and do what is right for the town. Rundle said that in the end (for me) the community was against it and he did not see any compelling reason (or interest of the Planning Board) to override that.

Gagnon said that if he lived in the neighborhood he would be mostly concerned about the combination of uses exceeding the impacts that were there with the current allowed use. Gagnon said that there is a provision in the existing law to allow another 8,000 sq. ft. and added that the possibility of having larger impacts would be greatly diminished if there were not the possibility of the expansion. Gagnon asked if Hall would be able to take out the future expansion. Hall said that it applies to apples because the current law allows for the expansion. Gagnon remarked that the expansion never happened and said that only the potential is there now. Gagnon commented that he didn't know if it would make a difference to the neighbors or not. He said they might be more reassured about the future prospects being limited if there were not the possibility of an additional 8,000 sq. ft. being added to what is already regarded as an overly large use.

Hall asked what would be reasonable and acceptable and said that it is a large question and hard to answer quickly. Hall said that Gagnon brought up a good point and questioned if the "type" of building expansion could be limited. Hall asked for some middle ground and said that warehouse space is low traffic and mostly used for storage and overall it would have negligible impacts to the neighborhood. Hall said that he did not want to give the expansion up, if it was not necessary. Gagnon commented that he was looking to make the proposal more palatable to the community and the Town Board because the "heavy lifting" was not over once the Planning Board was done.

Selin said he wasn't sure if the Planning Board should entertain the idea or not. Gagnon said that he is not for no, or yes, but something in between what is in the best interest of the town and something that everyone can live with. He added that the proposal would be improved if the building expansion was removed or if limitations were made on it. Melchen commented that a restriction should be made to the expansion to limit its use to warehouse space only. Strichartz said that she is concerned about succession and that her vote is still no. Hall asked if he were to take the expansion out, could he apply to put it back? Randall said that the current PDZ/site plan permits what is allowed (which already includes the 8,000 sq. ft expansion) and if it was taken out then Hall would need to appeal and go through site plan review and before the BZA.

In regards to the water language found in the proposal, Melchen asked who was financially responsible if a water test triggers a problem? Gagnon said that the major expense is for the applicant who needs to pay for the initial water testing. Melchen clarified that if a neighbor wanted further water testing on their own property, they may need to pay for it. Melchen asked how it was determined if the water shortage was caused by the property in question. Kruppa said that the Town would need to direct the property owner to do testing to see if they were causing the problem. Strichartz asked if there was any way to ascertain whether or not enough water existed before the business "industries" began to draw water. Selin said that tests were available and recalled when the Waldorf School offered to complete similar tests. Hall said that the production of wells had already been measured at the property. Gagnon stated that the health department would require the tests. Kruppa added that 750 gal/day is what a typical 2 or 3 bedroom home would use. Hall said that this property would have the most closely monitored water usage in Danby, where other properties can use 2,000 gal/day, he would be limited to only 750 gal/day. Selin remarked that water has been a large concern by many, but also said that many hours have been spent discussing it and setting up clear restrictions and limitations to protect the neighborhood.

**MOTION - Add a new recommendation to delete the "8,000 +/- sq. ft. future addition" to commercial development Lot 2**

Moved by Gagnon, Second by Selin  
In Favor: Gagnon, Melchen, Rundle, Selin, Strichartz, Kruppa  
The motion passed

**MOTION - Not Recommend Draft Planned Development Zone 10**

Moved by Strichartz, Second by Rundle  
In Favor: Rundle, Strichartz  
Against: Gagnon, Melchen, Selin, Kruppa  
The motion failed

**MOTION - Add and revise the recommended medical language found in Section (2) Uses allowed as of right but subject to Site Plan review and approval by the Planning Board to:** (d) a center for providing therapy and support for individuals with disabilities and learning differences, their families, and professionals working in the field of disabilities and learning differences.

Moved by Gagnon, Second by Selin  
In Favor: Gagnon, Melchen, Rundle, Selin, Strichartz, Kruppa  
The motion passed

**MOTION - Recommend with Modifications Draft Planned Development Zone 10**

Moved by Gagnon, Second by Selin  
In Favor: Gagnon, Melchen, Selin, Kruppa  
Against: Rundle, Strichartz  
The motion passed

**MELCHEN'S ENDING TERM**

Ted Melchen has been on the Planning Board for nine (9) years and has decided not to re-apply but is willing to stay on the Planning Board until a replacement is

found. Kruppa asked Connors to report this back to the Town Board so a permanent replacement can be found for Ted.

#### **TOWN BOARD LIAISON REPORT**

Leslie Connors said that February-March was the tentative time frame to get the Town Board, Planning Board, and Board of Zoning Appeals together for a meeting to discuss prior notes and issues that affect the Town as a whole. Connors mentioned the town email and asked who on the Planning Board uses it. Most of the Planning Board members do not use the town email. Connor's said that it's important to use the town email for archiving and tracking purposes. Kruppa requested that Connor's have Jordie provide the email set-up directions to all the Planning Board Members directly so they can activate their own accounts and begin using it. Connors also discussed Broadband and said that the towers are up and service would be provided soon. She said that as more information becomes available it will be found on the town's website. Gagnon requested that a service map be provided as well.

#### **PLANNING & ZONING REPORT**

Kruppa said that Hansen was not been emailing the Planning Board the Code Enforcement Report on a regular basis. Randall said that she was not forwarding them but will begin to do so. Gagnon requested that any previous reports be emailed to them as well. Randall provided an update on the county housing needs assessment which takes a 100% survey of all the residential conditions in Danby over the course of the next few months. Randall said that this is important because the assessment will focus on our "notable" or "development focus areas" like the hamlets in west and central Danby. Randall Groundwater Protection Law and said that she is doing an

Randall said that the most time consuming task right now is the cataloging and inventorying all of the Planned Development Zones. She said that all of the PDZ have been tracked down but that some of them passed by resolution versus local law and she is trying to determine why that decision was made. Randall said that she is currently doing an audit on zoning and subdivision regulations and would be providing a report by the first of the year with her recommendations. Rundle asked if the report that Randall was sending was a proposal that the Planning Board would then consider sending to the Town Board. Randall confirmed that it was and said that she would like to work on completing the Comprehensive Plan at the same time. Connor's asked if the audit that Randall was preparing should be introduced at the joint meeting of the three boards. Randall agreed and said she would have a solid draft copy with illustrations completed by mid January. Kruppa suggested to add this as an agenda item for January's meeting. Kruppa also asked the board member's if they wanted to continue meeting on the third Thursday of every month. The board agreed to keep the same day and time until a new board member was appointed.

#### **COMPREHENSIVE PLAN REPORT**

Kruppa said the Comprehensive Plan Report will flow in with what Randall provides from a zoning perspective in early 2016.

#### **ADJOURNMENT**

*The meeting was adjourned at 8:48 pm.*

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Kelly Cecala, Planning Board & Board of Zoning Appeals Recording Secretary