

Town of Danby Planning Board  
Minutes of Regular Meeting  
Thursday February 16, 2017

**EDITED DRAFT**

**PRESENT:**

Scott Davis  
Anne Klingensmith  
Jim Rundle  
Jody Scriber  
Naomi Strichartz  
Joel Gagnon

**ABSENT:**

Frank Kruppa

**OTHER ATTENDEES:**

Town Planner	C.J. Randall
Town Board	Leslie Connors
Recording Secretary	Kelly Cecala
Public	Jessie Karoutz, David Hall, Sarah Hesse, Carl Gibson, Pat Woodworth, Charles Tilton, Frank Darrow, Tucker Milton, Tom Clements, Julian Iacorells, Cameron Mitchell, Zack Istver, Adam Moore, Ted Crane, Katherine Hunter, Bonita Davis.

*The meeting was opened at 7:04 pm.*

**Motion - Gagnon to be Acting Chairman in Kruppa's absence**

Moved By Strichartz, Second By Rundle  
In Favor: Davis, Klingensmith, Rundle, Scriber, Strichartz, Gagnon  
The Motion Passed

**(1) CALL TO ORDER/AGENDA REVIEW:**

C.J. Randall provided copies of the agenda. Rundle made the suggestion to move the Waldorf School ahead of Blue Sky Center for Learning on the agenda, however the suggestion was not tacked up.

Gagnon commented that he and C.J. had a brainstorming session about where the information had been added regarding public notice and said that the information was in the subdivision regulations. Randall provided them in a hand out and Gagnon suggested adding it to the agenda if time permitted.

**(2) PRIVILEGE OF THE FLOOR:**

There were no public comments during privilege of the floor.

**(3) APPROVAL OF MINUTES:**

**Motion - Approve December Minutes**

Moved By Strichartz, Second By Rundle  
In Favor: Davis, Rundle, Strichartz, Gagnon  
Abstain: Klingensmith, Scriber  
The Motion Passed

**Motion - Approve January Minutes**

Moved By Klingensmith, Second By Scriber  
In Favor: Davis, Klingensmith, Rundle, Gagnon  
Abstain: Strichartz  
The Motion Passed

**(4) TOWN BOARD LIAISON REPORT:**

Connors reported that both a member and a new chairman were appointed to the CAC. She also reported that Scott Davis was appointed to the Planning Board.

Connors stated that the approved South Hill Trail expansion is mostly in Caroline but that some of it was in Danby and that there would be several upcoming meetings to discuss it.

Connors spoke about the Planning Board's request last month to increase/improve the method of public notices and said that this was being looked into. Connors reported that she spoke with Randall about working on the zoning issues and inactive PDZ report this spring and summer.

##### **(5) ACTION ITEMS:**

###### **Action Item A: Milton Subdivision - Public Hearing**

**Project:** Minor Subdivision

**Location:** 119 W. Miller Rd, Tax Parcel # 7.-1-65.2

**Applicant:** Tucker Milton

**Anticipated Board action(s) this month:** Public Hearing, Declaration of Environmental Significance, Preliminary and Final approval.

**Project Description:** The Applicant is proposing to subdivide the existing 11.5- acre property into two parcels: Parcel A, measuring 2.42 acres, with 50 feet of frontage on West Miller Road, 793.86 feet of depth; and Parcel B, measuring approximately 9.09 acres with approximately 432 feet of frontage on West Miller Road, approximately 794 feet of depth, with existing house. The property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet. On November 22, 2016, the Board of Zoning Appeals of the Town of Danby approved the area variance from the 200 foot required road frontage requirement for a Low Density Residential lot in Section 600, paragraph 5 of the Town of Danby Zoning Ordinance. This is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

*Public Hearing Opened at 7:10 pm*

Klingensmith questioned why the BZA granted the waiver for the frontage requirement. Randall said that the current flag-lot had an access easement and that the BZA was correcting a non conforming lot with the understanding that by approving the variance it made only one lot out of three. Klingensmith stated that she would not have considered the variance if someone was not already living there, that correcting the non conforming lot would not have been enough justification.

*Public Hearing Closed at 7:11 pm*

##### **PLANNING BOARD RESOLUTION NO. 11 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, 119 & 125 W. MILLER ROAD, TAX PARCEL NO. 7.-1-65.2**

**Whereas**, an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 7.-1-65.2, by Tucker Milton, Applicant and Owner; and

**Whereas**, the Applicant proposes to subdivide the existing 11.5-acre property into two parcels: Parcel A, measuring 2.42 acres, with 50 feet of frontage on West Miller Road, 793.86 feet of depth; and Parcel B, measuring approximately 9.09 acres with approximately 432 feet of frontage on West Miller Road, approximately 794 feet of depth, with existing house; and

**Whereas**, a 5.542-acre portion of the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas**, within 600 feet from the centerline of W Miller Road this property is located in the High Density Residential Zoning District, requiring a lot area minimum of 1 acre, frontage of 150 feet, and lot depth of 200 feet; and

**Whereas**, the Board of Zoning Appeals for the Town of Danby did grant an area variance from the road frontage requirement stipulated by the Town of Danby Zoning Ordinance § 600 (5) on November 22, 2015; and

**Whereas**, this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 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

**Whereas**, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and  
**Whereas**, the Planning Board, being the local agency which has primary responsibility for approving the action, did on November 16, 2016 declare itself the Lead Agency for the environmental review; and  
**Whereas**, this Board, acting as Lead Agency in environmental review, did on February 16, 2017 review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "Map Showing Lands of Tucker Milton," prepared by Denkenberger Surveying, P.C., and dated 5/15/15; and other application materials;

**Now Therefore, be it**

**Resolved**, that the Town of Danby Planning Board determines the proposed Minor Subdivision will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act.

**Moved By Strichartz, Second By Klingensmith**

**In Favor: Davis, Klingensmith, Rundle, Scriber, Strichartz, Gagnon**

**The Motion Passed**

**PLANNING BOARD RESOLUTION NO. 12 OF 2017 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, 119 & 125 W. MILLER ROAD, TAX PARCEL NO. 7.-1-65.2**

**Whereas**, an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 7.-1-65.2, by Tucker Milton, Applicant and Owner; and

**Whereas**, the Applicant proposes to subdivide the existing 11.5-acre property into two parcels: Parcel A, measuring 2.42 acres, with 50 feet of frontage on West Miller Road, 793.86 feet of depth; and Parcel B, measuring approximately 9.09 acres with approximately 432 feet of frontage on West Miller Road, approximately 794 feet of depth, with existing house; and

**Whereas**, a 5.542-acre portion of the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas**, within 600 feet of the centerline of W Miller Road this property is located in the High Density Residential Zoning District, requiring a lot area minimum of 1 acre, frontage of 150 feet, and lot depth of 200 feet; and

**Whereas**, the Board of Zoning Appeals for the Town of Danby did grant an area variance from the road frontage requirement stipulated by the Town of Danby Zoning Ordinance § 600 (5) on November 22, 2015; and

**Whereas**, this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 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

**Whereas**, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

**Whereas**, the Planning Board, being the local agency which has primary responsibility for approving the action, did on November 16, 2017 declare itself the Lead Agency for the environmental review; and

**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, § 601 II.H. Hearing and Notices; and

**Whereas**, this Board, acting as Lead Agency in environmental review, did on February 16, 2017 review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "Map Showing Lands of Tucker Milton," prepared by Denkenberger Surveying, P.C., and dated 5/15/15; and other application materials; and

**Whereas**, the Planning Board did on February 16, 2017 make a Negative Declaration of Environmental Significance for the project; and

**Whereas**, the Planning Board recognizes that information received and reviewed for this Subdivision indicates the resultant parcels conform to area requirements in the Low Density Residential Zoning District;

**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 Town of Danby Tax Parcel No. 7.-1-65.2, by Tucker Milton, Applicant and 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.

**Moved By Rundle, Second By Strichartz  
In Favor: Davis, Klingensmith, Rundle, Scriber, Strichartz, Gagnon  
The Motion Passed**

**Action Item B: Moore Subdivision - Public Hearing**

**Project:** Minor Subdivision

**Location:** 1114 Coddington Rd., Tax Parcel # 5.-1-1.77

**Applicant:** Adam J. Moore

**Anticipated Board action(s) this month:** Public Hearing, Declaration of Environmental Significance, Preliminary and Final approval.

**Project Description:** The Applicant is proposing to subdivide the existing 9.53- acre property into two parcels: Parcel A, measuring 5.41 acres, with 539.18 feet of frontage on Coddington Road, approximately 770 feet of depth, with existing house, garage, shed, and barn; and Parcel B, measuring 4.59 acres with 201 feet of frontage on Coddington Road, 681.29 feet of depth, and undeveloped. The property is in the Low Density Residential Zone, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet. This is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

*Public Hearing Opened at 7:21 pm*

Klingensmith questioned the numbers and the accuracy of the map. Randall provided a larger map to view. Gagnon stated that the applicant wanted to preserve his view so he carved out the pasture, sold the house, and now wants to subdivide so they have a buffer between lots.

**PLANNING BOARD RESOLUTION NO. 13 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, MINOR SUBDIVISION, 1114 CODDINGTON ROAD, TAX PARCEL NO. 5.-1-1.77**

**Whereas,** an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 5.-1-1.77, by Adam J. Moore, Applicant and Owner; and

**Whereas,** The Applicant proposes to subdivide the existing 9.53-acre property into two parcels: Parcel A, measuring 5.41 acres, with 539.18 feet of frontage on Coddington Road, approximately 770 feet of depth, with existing house, garage, shed, and barn; and Parcel B, measuring 4.59 acres with 201 feet of frontage on Coddington Road, 681.29 feet of depth, and undeveloped; and

**Whereas,** the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas,** this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 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

**Whereas,** this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

**Whereas,** the Planning Board, being the local agency which has primary responsibility for approving the action, did on January 19, 2017 declare itself the Lead Agency for the environmental review; and

**Whereas,** this Board, acting as Lead Agency in environmental review, did on February 16, 2017 review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled “Proposed Subdivision Plat Lands of Adam Moore & Kelly Moore” prepared by Reagan Land Surveying, and dated 11/07/2016, amended 12/5/2016; and other application materials;

**Now Therefore, be it**

**Resolved,** that the Town of Danby Planning Board determines the proposed Minor Subdivision will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act.

**Moved By Strichartz, Second By Scriber  
In Favor: Davis, Klingensmith, Rundle, Scriber, Strichartz, Gagnon  
The Motion Passed**

Public Hearing Closed at 7:27 pm

**PLANNING BOARD RESOLUTION NO. 14 OF 2017 - PRELIMINARY AND FINAL APPROVAL, MINOR SUBDIVISION, 1114 CODDINGTON ROAD, TAX PARCEL NO. 5.-1-1.77**

**Whereas**, an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 5.-1-1.77, by Adam J. Moore, Applicant and Owner; and

**Whereas**, The Applicant proposes to subdivide the existing 9.53-acre property into two parcels: Parcel A, measuring 5.41 acres, with 539.18 feet of frontage on Coddington Road, approximately 770 feet of depth, with existing house, garage, shed, and barn; and Parcel B, measuring 4.59 acres with 201 feet of frontage on Coddington Road, 681.29 feet of depth, and undeveloped; and

**Whereas**, the property is in the Low Density Residential Zoning District, requiring a lot area minimum of 2 acres, frontage of 200 feet, and lot depth of 300 feet; and

**Whereas**, this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 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

**Whereas**, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; and

**Whereas**, the Planning Board, being the local agency which has primary responsibility for approving the action, did on January 19, 2017 declare itself the Lead Agency for the environmental review; and

**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, § 601 II.H. Hearing and Notices; and

**Whereas**, this Board, acting as Lead Agency in environmental review, did on February 16, 2017 review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled “Proposed Subdivision Plat Lands of Adam Moore & Kelly Moore” prepared by Reagan Land Surveying, and dated 11/07/2016, amended 12/5/2016; and other application materials; and

**Whereas**, the Planning Board did on February 16, 2017 make a Negative Declaration of Environmental Significance for the project; and

**Whereas**, the Planning Board recognizes that information received and reviewed for this Subdivision indicates the resultant parcels conform to area requirements in the Low Density Residential Zoning District;

**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 Town of Danby Tax Parcel No. 5.-1-1.77, by Adam J. Moore, Applicant and 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.

**Moved By Strichartz, Second By Klingensmith**

**In Favor: Davis, Klingensmith, Rundle, Scriber, Strichartz, Gagnon**

**The Motion Passed**

**Action Item C: Blue Sky Center for Learning**

**Project:** Blue Sky Center for Learning

**Location:** 303 Gunderman Road, Tax Parcel #9.-1-9.12

**Applicant:** David Hall for JLF Holdings, LLC

**Anticipated Board action(s) this month:** Consideration of preliminary approval of special permit; set date for Public Hearing.

**Project Description:** The Applicant is proposing to create a therapy center specializing in treating autism spectrum disorders not exceeding 12,000 square feet within the existing barn structure on the 2.61-acre lot. The project is in Planned Development Zone 10. This is a Type I Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

**Open Discussion with Public:**

Gagnon asked the public if anyone had any comments about the proposal before the Planning Board considered the

condition of the application and whether or not they want to set a Public Hearing.

Pat Woodworth stated that if a special permit applies to the property, and follows the property if it is sold, then to avoid any future unexpected misinterpretation of what a special permit allows, the details, consistency, and clarity of the documentation matter.

Woodworth first mentioned that the staffing number varied between 10 and 15 in the documents. Woodworth raised concerns about water and said the initialized portion in the report states that there were "no known yield problems" in the past (during) maximum usage. She said that during the time of heavy use, that property may have had no water problems, but two neighbors have repeatedly noted that they had water issues in their wells at that time.

Woodworth said that the report specifies as many as 75 to 100 employees, but that the value officially reported to the Town was a maximum of only 70 employees. Woodworth also questioned traffic and how "present" levels of traffic were being defined in the SEQR context. Gagnon said it was *current* levels of traffic. Woodworth said the report specifies existing levels of traffic from data over 10 years ago and that it was in-substantive data which does not report on present (or existing) levels of traffic. She commented that there will definitely be an increase to current traffic levels, versus a decrease as the report states. Woodworth also said that heavier traffic will most likely occur after 2 pm when kids are out of school.

Ted Crane spoke and stated that at the last meeting a Blue Sky representative said that it was all about the kids. But Crane said he believes it is all about the community and the neighborhood. He said that in all of the discussions almost no Danby children have been hinted at as possible beneficiaries of this center; none of the employees are Danby residents; the Board of Directors has not been identified. He said only the applicant, who happens to be the landowner and landlord, are known and his child. Crane said that the application is full of "alternative facts" and that instead of correcting statements, new stuff gets added to the report, which are of equally poor quality.

Crane addressed water and traffic and said that the application contains statements from two engineers and that some of the information directly conflicts with what was presented (verbally and in writing) to the Planning Board. He said that the water usage statement mentions 25 clients, but that the clients base is supposed to grow by one per year, which will add up. Crane stated that the water engineer was not told that a client would only be one individual, but that that the client would be accompanied by parents and/or siblings.

Crane also said that the traffic statement has the same "number of people problem" and that it makes invalid comparisons to a traffic quota of a long extinct facility. He said that the report cites a DOT study, but that the study was conducted 1.3 miles from where Blue Sky will be located and that those two sections of Gunderman Road are very different. Crane said had the study been conducted in the proper place, that the results would be completely different and therefore the study is invalid. Crane also pointed out that the engineer was not told that some parents would not stay on site, therefore the car trips back and forth will increase. Lastly Crane discussed how the proposal is not in line with the Danby Comprehensive Plan as it claims to be in the site plan statement.

Charles Tilton commented that coyotes should be added to the SEQR report as another animal which is found in the area. He also suggested that the wording be changed in section E2Q, which discusses hunting and trapping, to read that "hunting and or trapping *"shall"* be permitted on neighboring properties" because the word *"shall"* is more forceful than *"may"* and that hunting is a state law.

Tilton discussed how if Blue Sky were classified as a school it would trigger the 1,000 ft gun free zone which is a federal law that Danby cannot override. He said as it states hunting would be permitted in the area and commented that a lot of target practice and shooting could take place in the area. Tilton said that gun shots are loud and long and can carry for long distances and that he has read that individuals with autism may be sensitive to loud sounds and flashing lights. Tilton said hunting is regulated by New York state law and that firearms may make exceedingly loud noises. He questioned if the Planning Board would really want to approve a clinic with (for) sensitive individuals that could be possibly be negatively affected and have long term effects with (by) such sounds.

Klingensmith suggested to go through the site plan first. Gagnon asked Hall why the inconsistencies with the number of staff. Gagnon said that peak numbers and the maximum should always be used throughout to measure total impact, versus the average. Hall clarified that under normal staffing there would be 10 staff at the center at one time but with a maximum of 15 on the payroll. He said the max ratio is 15 staff to 25 clients. Davis said it would be helpful to know what the average and maximum weekly client is as well. Hall said that 25 clients is the weekly maximum. Scriber said that the public wants to know what the total number of people are. Scriber suggested to make a weekly calendar that would outline the clinics proposed appointment schedule so that people can have a visual idea of what to expect. Rundle said that it would not be part of the site plan, or binding, but that it would be helpful to the public.

Gagnon asked Randall what the special permit constrains. Randall said that the special permit cannot constrain business operations. Randall said the impacts have to be judged on any unconditionally allowed use on the property, that encompasses low density residential and PDZ10. Randall stated that Section 901 (page 41) outlines the special permit

criteria and provided a hard copy to the Board.

Crane asked Randall to clarify if the environmental impacts should have included all/maximum possible uses at that location, or just those that are specific to this particular special permit. Randall said yes they should all be weighed for impact separately from one another. Gagnon asked again, when the special permit is granted it is going to be for a use, but what will/can constrain the use? In other words, if the site plan states it is only going to occupy 12,000 sq. ft and we are saying that it can not be bigger than that, but they discover they can serve 50 clients in that 12,000 sq. ft space, is that allowed in the scope of what we are approving? Randall said that business operations (i.e. business hours) are outside the scope of zoning. She said obviously the use has impacts by virtue of its operation, but we can not impose limitations on the operation, whether the use is permitted or it is not. Randall said there is no way to condition the operation of a use.

Rundle asked if you don't have any thing in the site plan, about actual numbers, then how can you give a number to the engineer to assess the impact on water and traffic? Randall said that traffic engineers have surveys and data-bases to work from and said that it is very reasonable to request to speak with the engineer and ask how they came up with their figures. She said that sometimes an applicant may not have all the information and is relying on expert judgement to come up with the numbers. Strichartz asked if there was any recourse if an environmental impact of the approved use, turns out to be much greater than initially thought. Randall said that there is a process of appeal but that now is the time to evaluate the impacts and ask those hard questions.

Hall said that for him this is about displacement because all that can be done there now is food processing (if home grown ag- business), ag- business and clothing manufacturing. Hall said that Blue Sky is a far less impact to the environment than the current uses that are allowed. Hall said the water consumption of Blue Sky is negligible compared to what it could be. He said he now has 21,000 sq ft of space that can be a clothing factory or used for ag- business and that any space that Blue Sky occupies reduces the area for the other uses.

Hall said that he is getting painted into a corner since the PDZ10 rewrite failed and he is running out of options. Hall said that it's a \$3.5M building that he can sell for much less to someone that may not be as forthcoming with the community. Hall said they live on the property and that they are a built in watch dog and do not want a big factory across from their home. Gagnon said the concerns are not necessarily with what we think you (Mr. Hall) are going to do with it but that it is a forever permitted use. Gagnon said we need to assess the impacts and it is hard to get a handle on what the magnitude of the impacts are without having a handle on what the scope of the proposal is.

Tom Clements spoke and said that he didn't understand all of the points of contention. Clements said that Angel Heart had many more employees than what Blue Sky is proposing and that no one withered away due to a lack of water. He said that the road still exists and that it hasn't been to dust. Clements said that he lived next door when they were at their peak and that they were great neighbors. He said Blue Sky is something that can benefit Danby and nearby communities and will help educate people about Autism. Clements said that traffic and others are known factors and have already existed and that people are nit-picking stuff that should be no point of contention. Strichartz stated that to her knowledge Mr. Clements did not live across the street when Angel Heart was at their peak.

Katherine Hunter stated that when the land goes to someone else the permitted uses carry on and Hall can only constrict what is being done now. Gagnon asked Randall to clarify again what exactly is being approved. Randall suggested again to review Section 901 and said that what is currently being reviewed is a special permit to operate the Blue Sky Center for Learning and the approved uses by definition, an autism clinic.

#### **Page 14: Exhibit E - Water Usage**

Gagnon said that the water analysis should have been done at the higher number to see the maximum capacity. Hall said that the number of people on the water study are at the maximum levels of clients and staff. Gagnon said that even if you add parents and siblings to reach a maximum number, the water capacity still appears reasonable. The Board agreed that they were satisfied with the water study.

#### **Page 16: Exhibit F - Traffic Study**

Hall said the engineer compared the traffic study to peak levels at Angel Heart and that his conclusion was that the total number of cars is not significant. Rundle said that Angel Heart should not have been included, it is a red flag, and that the engineer could have made his point without mentioning it. Hall said that it was grandfathered in from the former traffic study.

Crane said that the existing usage on the road today is not even a bump on the log compared to the scale that the engineer is comparing it to. He said that it is more fair to compare what the road usage is today to what it might be. Hall said that the concentrated times of traffic is mostly likely when people are at work. Davis said that this study has to stand on its own and therefore using a scale of 90 employees as the frame-work is probably not helpful.

Gagnon said the engineer took into account what he was told. Gagnon pointed out that the study suggests that there will

be a 20% increase in traffic (but it may not have considered everything) so if we believe the traffic study was poorly performed then we can suggest having it re-done. Crane stated again that the traffic study was conducted over a mile away from the site location.

Randall said that one good option is to have the engineer who prepared the report be present for the Environmental Review to answer questions. Scriber and Rundle agreed that the engineer should be present to answer questions. Klingensmith asked the Board to summarize their major areas of concern.

Rundle asked how long a "typical visit" would be when a sibling and their parents might join the client. Hall said the siblings would only come to the one hour social skills class and the rest of the time the child will come in for a two to three hour burst in the morning and then again in the afternoon if it is a full day program. Hall said that parents are likely to stay for two to three hours. Rundle said that he is mostly interested in how much dropping off and picking up can be expected. Mrs. Hall said that parents with special needs children usually stick around and there will be an opportunity for parents to sit in and learn and train. Hall said they were building a space for them with a lounge and a library so it will be a whole-heart/whole family environment.

Rundle said that it would be best to have an engineer come. Scriber also firmly believes that an engineer should be present at the Public Hearing. Hall said that the engineer is based in Rochester and asked if a conference call would be possible. Davis suggested to compose a list of questions for the traffic engineer (versus having them come down) and made a motion. Rundle asked who would compose the list. Hall said that he already had a list of areas of concerns and stated:

- (1) Location of the study on Gunderman Rd. is a far distance (1.3 miles) away from the site location.
- (2) Relevance and reference to Angel Heart.
- (3) The difference in type of traffic on upper and lower Gunderman Rd.
- (4) Does this existing road have the capacity for the increased traffic or are modifications needed?

Scriber said that not having an engineer present does not allow for any follow up or clarification questions. She said that the process may be further drawn out, which is in no one's best interest. Davis retracted his motion. Klingensmith made a motion to have Hall send a list of questions to Randall, who would then review and augment them and forward them to the engineer. Gagnon said to add other kinds of traffic to the daily evaluation too, to account for the parents, siblings, and the drop off trips. Crane commented that the average weekly calendar, that Scriber suggested, is a key piece of information that the engineer will need and it will directly impact the traffic statement. Davis said it would be helpful if the calendar gave a general sense of what a typical week would look like, and then again at the maximum/high. Klingensmith withdrew her motion.

Randall said that the engineering firm should be able to send someone. Scriber then requested to make a motion to have an engineer be present at the next meeting. Hall asked what Plan B was if he could not get an engineer to come. Gagnon said that the preference would be to have someone come but at the very least a list of questions need to be answered. Hall said that he would send his questions/notes to Randall for finalization.

**MOTION - The applicant will request to have the traffic engineer present at the March meeting. In addition the traffic engineer will provide answers to a list of questions that will be drafted by the applicant, submitted to the Town Planner, and approved by the Planning Board.**

Moved By Scriber, Second By Strichartz

In Favor: Davis, Klingensmith, Rundle, Scriber, Strichartz, Gagnon

The Motion Passed

#### **EAF Discussion - Part 2 Discussion**

The Planning Board reviewed the EAF Part 2 and had the following recommended changes:

- 4 Impact on groundwater - Change to No
- 4.a Change to No, or small impact may occur
- 13 Impact on Transportation - the section needs to be filled out
  - 13.a No, or small impact may occur
  - 13.b No, or small impact may occur
  - 13.c No, or small impact may occur
  - 13.d The Planning Board was in disagreement
  - 13.e The Planning Board was in disagreement
- 17a Change to No, or small impact may occur
- 17.g Change to No, or small impact may occur
- 18 Change the Section to No

**MOTION - Schedule a Public Hearing for Blue Sky Center for Learning for March**

Moved By Klingensmith, Second By Scriber



The motion unanimously passed

**Action Item D: Waldorf School**

**Project:** Ithaca Waldorf School Phase II expansion

**Location:** 20 Nelson Road, Tax Parcel #2.-1-17.32

**Applicant:** Sarah Hesse, Vice President, Board of Trustees, Ithaca Waldorf School

**Anticipated Board action(s) this month:** Consideration of preliminary approval of special permit; set date for Public Hearing.

**Project Description:** The Applicant is proposing modification of the Special Permit (which was granted preliminary approval by the Planning Board on March 7, 2004 and granted final approval on April 28, 2011) to construct a 3,535 sq. ft. addition to the existing 6,900 sq. ft. school on the 81.57-acre lot. Preliminary approval required that Phase II of expansion be subject to application to and approval by the Planning Board as amendments to the Special Permit. This is a Type I Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review.

**EAF Discussion - Part 1 Discussion**

The Planning Board reviewed the EAF Part 1 and had the following recommended changes:

C.3.a. The question needs to be answered completely

C.4.b. Change to Tompkins County Sheriff

D.2.r. Change to Yes and fill in section

E.1.o Marked yes - please define

The Planning Board unanimously approved to schedule a Public Hearing for next month.

**PLANNING BOARD RESOLUTION NO. 15 OF 2017 - DECLARATION OF LEAD AGENCY, SPECIAL PERMIT FOR ITHACA WALDORF SCHOOL PHASE II EXPANSION, 20 NELSON ROAD, TAX PARCEL NO. 2.-1-17.32**

**Whereas,** an application has been submitted for review and approval by the Town of Danby Planning Board for modification of an existing special permit granted by Planning Board Resolution No. 9 of 2004, to proceed with the Phase II expansion at Town of Danby Tax Parcel No. 2.-1-17.32, by Sarah Hesse, Vice President, Board of Trustees at the Ithaca Waldorf School, Applicant; and

**Whereas,** this proposal action is reviewed under Article IX: Special Permits, of the Zoning Ordinance of the Town of Danby, amended through June 10th, 2013; and

**Whereas,** 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Section IX of Local Law 2 of 1991 Environmental Review of Actions in the Town of Danby, require that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

**Whereas,** State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

**Whereas,** the Planning Board is the local agency with primary responsibility for approving the action;

**Whereas,** this is a Type I Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under the State Environmental Quality Review Act, both of which require environmental review; and

**Whereas,** pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies; now **Therefore, be it**

**Resolved,** that the Planning Board of the Town of Danby hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Planning Board intends to declare itself Lead Agency for purposes of SEQRA for this Type I and Unlisted Action, unless objection to such designation is received within thirty (30) days.

**Moved By Gagnon, Second By Strichartz**

**In Favor: Davis, Klingensmith, Rundle, Scriber, Strichartz, Gagnon**

**The Motion Passed**

**Action Item E: Former National Book Auctions**

**Project:** Retail business and offices (formerly National Book Auctions and Bid Club)

**Location:** 1429 Danby Road, Tax Parcel #2.-1-37

**Applicant:** David Hall for JLF Holdings, LLC

**Anticipated Board action(s) this month:** Consideration of preliminary and final approval of modified Site Plan Review approval.

**Project Description:** The Applicant is proposing changes to the site plan, approved by the Planning Board on September 30, 2004, to repurpose the existing 3,696 sq. ft. one-story building from a bookstore with occasional book-related auctions

held inside the building, to a retail service store and business offices on the 0.93-acre parcel. The project is the renovation of an existing structure and is located in Commercial Zone B, subject to review under Town of Danby Zoning Ordinance Section 802: Final Site Plan Approval And Modifications Of Site Plans. This is a Type II Action under the Town of Danby Environmental Review of Actions and State Environmental Quality Review Act.

#### **Action Item Discussion**

Klingensmith asked Hall whether or not the site had sufficient parking and questioned having heavy construction equipment there. Hall said that he would be running the heavy equipment and construction company himself and that parking was not an issue. Strichartz asked Hall if the hours of operation would be a "typical" 9-5. Hall said yes.

#### **PLANNING BOARD RESOLUTION NO. 16 OF 2017 - MODIFIED SITE PLAN APPROVAL, 1429 DANBY ROAD, TAX PARCEL NO. 2.-1-37**

**Whereas**, this action is a modified Site Plan approval for the site and building improvements at 1429 Danby Road, formerly National Book Auctions and Bid Club, on the Town of Danby Tax Parcel No. 2.-1-37, 0.93 acres, Commercial Zone "B," David Hall, Applicant, JLF Holdings, LLC, Owner; and

**Whereas**, the Applicant is proposing changes to the site plan, approved by the Planning Board on September 30, 2004, to repurpose the existing 3,696 sq. ft. one-story building from a bookstore with occasional book-related auctions held inside the building, to a retail service store and business offices; and

**Whereas**, this action was determined to be replacement-in-kind which is considered a Type II Action not requiring environmental review under the Town of Danby Environmental Review of Actions and under the State Environmental Quality Review Act in accordance with the provisions of 6 NYCRR § 617.5(c)(2); and

**Whereas**, this action is excluded from review pursuant to § 239 -l, -m, and -n of the New York State General Municipal Law as there is no change in commercial use in the existing building and action does not involve any change in building footprint or change in vehicular access on a State or County highway; and

**Whereas**, the Planning Board on February 16, 2017, reviewed and accepted as adequate application materials, including drawings entitled "Exhibit F: Existing Site Plan Map," and other application materials;

#### **Now Therefore, be it**

**Resolved**, that the Town of Danby Planning Board hereby grants modified Site Plan approval, finding that the standards of § 802 of the Town of Danby Zoning Ordinance and New York State Town Law § 274-a have been met.

**Moved By Strichartz, Second By Davis**

**In Favor: Davis, Klingensmith, Rundle, Scriber, Strichartz, Gagnon**

**The Motion Passed**

#### **(6) PLANNING & ZONING REPORT**

Due to time constraints the Planning Board requested that the Planning & Zoning Report be deferred to next month.

#### **(7) ADJOURNMENT**

*The meeting was adjourned at 9:50 pm.*

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