

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

FINAL

PRESENT:

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

OTHER ATTENDEES:

Town Planner	C.J. Randall
Town Board	Leslie Connors
Recording Secretary	Kelly Cecala
Public	John Bernardo, Charles Tilton, Pat Woodworth, Frank Darrow, Ted Crane, Ted Merritt, Connie Merritt, Chris Putrino, John Vandemark, Claude Zan, Jessie Toryes, Luke Toryes, Julie Lagesy, Holly Habuk, Joanne Denison, Arkadiuse Niedzwecki, Jason Bartman, Dan Clements, Tom Clements, Dan Klen, Kenny Makosch, Carl Gibson, Sarah Hesse, Emily Butler, Allie Johnson, Emily Miner, Zack Blazek, Sara Elbert, Ted Melchen, Colleen Strong, Suzanne Wilcox, Steve Wilcox, Garry Huddle, Natalie Miner, Ed Miner, Faith Chase, Robert Chase, Matt Ulrnski, R. Chase, Francis Feeney, David Kruse, David Hall, Adrianna Hall, Kevin Seeney, and Katherine Hunter.

The meeting was opened at 7:03 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

Kruppa said to add to the end of the agenda a re-vote on the two Miller Road resolutions from last month because they were missing the “Whereas” relating to the BZA variance. Gagnon said to add Declare Lead Agency to the Oltz subdivision.

(2) PRIVILEGE OF THE FLOOR:

Klingensmith requested that the public be civil, polite and respectful to others during the meeting.

David Hall said that traffic engineer David Kruse, with SRF, believes that the speed limit on Gunderman Road is too high.

Ted Crane wanted to remind the public that there would be a free blood pressure screening and a presentation by the Eagle Scouts at Town Hall at noon on Sunday March 19th. Crane also said that there would be a Town Hall Concert on Sunday at 3 pm featuring Irish Music by The Grady Girls.

Crane also had a request of Randall to expand (or correct) a statement found in last month's minutes regarding the Board being able to set limits based on the mitigation of impacts since they cannot put limits on the business operation itself.

Ted Merritt requested that the Planning Board have an audio speaker system available for meetings and public hearings because of the difficulty to hear people clearly in Town Hall. Merritt commented that he has made this request of the Town numerous times, yet no action has been taken.

Pat Woodworth had a minor word change correction request from her statement in last month's meeting minutes.

(3) APPROVAL OF MINUTES:

Motion - Approve February 2017 Minutes

Moved By Gagnon, Second By Strichartz

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

The Motion Passed

(4) TOWN BOARD LIAISON REPORT:

Connors reported that the Town appointed a local board of assessment review. Connors spoke about the community choice aggregation council which is a committee to explore and advise on options for clean energy source options. Connors reported that the Danby Community Council is considering creating a full-time Director position for their Youth Program.

(5) ACTION ITEMS:

Action Item A: Oltz Subdivision – 552 Comfort Rd.

Project: Minor Subdivision

Location: 552 Comfort Road, Tax Parcel # 8.-1-31.22

Applicant: Sue Oltz for the Oltz Living Trust

Anticipated Board action(s) this month: Review of Preliminary Plat application and Declare Lead Agency.

Project Description: The Applicant proposes to subdivide the existing 78.66-acre property, currently joined by a tie line across Comfort Road, into two parcels: Parcel A, measuring 34.423 acres, with 627.83 feet of frontage on Comfort Road, 1887.90 feet of depth; and Parcel B, measuring approximately 44.237 acres with approximately 944 feet of frontage on Comfort Road, approximately 794 feet of depth. 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. 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.

Kruppa suggested moving the Oltz Subdivision off tonight's agenda due to having an incomplete application and EAF Part 1. Kruppa asked Randall to schedule a Public Hearing for next month. Randall said she would proceed with scheduling a hearing once the applicant completed the application.

PLANNING BOARD RESOLUTION NO. 17 OF 2017 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, 552 COMFORT ROAD, TAX PARCEL NO. 8.-1-31.22

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. 8.-1-31.22, by Sue Oltz, Applicant and Oltz Living Trust, Owner; and

Whereas the Applicant proposes to subdivide the 78.66-acre property, currently joined by a tie line across Comfort Road, into two parcels: Parcel A, measuring 34.423 acres, with 627.83 feet of frontage on Comfort Road, 1887.90 feet of depth; and Parcel B, measuring approximately 44.237 acres with approximately 944 feet of frontage on Comfort Road, approximately 794 feet of depth; 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 #1 – A large-lot minor subdivision is permitted, provided that the following criteria are met:

- a. Both lots resulting from the minor subdivision are (8) acres or more, each with frontage on a public road maintained year-round;
- b. Both lots resulting from the minor subdivision meet all other pertinent zoning requirements;
- c. 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;
- d. 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;
- e. The subdivision results in no more than two lots, including the parcel being divided; 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 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 funding or carrying out the action;

Now Therefore be it

Resolved that the Town of Danby Planning Board does hereby declare itself Lead Agency for the environmental review for the action of Minor Subdivision approval of Town of Danby Tax Parcel No. 8.-1-31.22, by Sue Oltz, Applicant and Oltz Living Trust, Owner.

Moved By Gagnon, Second By Scriber

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

The Motion Passed

Action Item B: Blue Sky Center for Learning Public Hearing

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: Public Hearing

Project Description: The Applicant is proposing to create a therapy center specializing in treating autism spectrum disorders not exceed 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.

The Public Hearing Opened at 7:16 pm

Tom Clements, 276 Gunderman Rd., spoke up and voiced his support for Blue Sky. Clements presented a Danby Calendar from 1998 which showed Danby businesses in the area and spoke about the “known” factors that exist (i.e. water and traffic) and said that he lived in the area when Angel heart was at their peak and that he had plenty of water and that the road still exists. Clements commented that the way this is zoned right now, there could be another clothing factory or some ag-business taking place anyway and without the public’s knowledge/input. Clements said that having something as “benign” as an Autism Center, that is beneficial for the community and surrounding area, would be his choice.

Kenny Makosch, 98 Gunderman Rd., said that he supports the Autism Center, if it was limited to only the Autism Center with 25 students and 15 staff. Makosch said that he is concerned that there are not enough limitations and specifics on what can and cannot go there. He said that he was hoping for some clarification on the project and he asked David Hall if there were any open ended items that we are not discussing.

Makosch commented that the proposal needs to be very specific on what (the public) is asking for and said to take out those items that people are concerned about. Makosch said that no businesses really belong in the low density area along Gunderman Rd., and that he supports the Autism Center and nothing else.

David Hall said that the specificity of the project has been outlined and that he has tried to reverse engineer things and always speak to those areas that people were concerned about. Hall said there will be very few people per square feet in this business model. He commented that unlike Angel heart, Blue Sky will have no big trucks, parents will be driving, and there will not be three shifts around the clock.

Pat Woodworth, 305 Gunderman Rd., read aloud a written statement which has been included as an attachment to the minutes. A copy of Woodworth’s statement can also be found at the Town Clerk’s office. Woodworth also submitted a signed written protest petition, requesting a super majority of the Planning Board members to approve the Blue Sky special permit.

Dan Clements, 634 Comfort Rd., asked the chairman to clarify that only the proposal for Blue Sky was being reviewed tonight, versus what can happen later on. Kruppa said correct, that only an application for a special permit for Blue Sky is what is being considered.

Ted Merritt, 297 Jersey Hill Rd., said that he used to be on the Town Board. He commented that back then (and now) Danby would procrastinate and make it hard to keep a business in town or for a business to start. Merritt said that if we don't let in new businesses then we are going to lose tax dollars. Merritt said that we cannot keep fighting to bring in new businesses and that yes there will be more traffic, but that Danby is growing and there will be more traffic anyway.

Merritt said that if we keep businesses (like Blue Sky) from coming in, then we might end up with something that we don't like. He mentioned water and said that the water level has receded but that Blue Sky is not the cause. Merritt said that he was all for getting the business up and running and to quit stalling David Hall. Merritt also said that he didn't think the traffic would bother the community that much, especially with the speed limit being reduced to 35 MPH.

A gentleman who has lived in the area for 26 years, and currently resides on West Hill Ithaca, said that he has two children on the autism spectrum. He shared his support for Blue Sky and said that he would be willing to drive to Danby weekly to get his children the services they need. He added that he is disabled and driving to Rochester for his kids to see a specialist is very difficult. He suggested keeping the money here locally, providing more jobs, and giving the children the best possible care you can.

John Vandemark, 411 Comfort Rd., has lived in Danby since 1972. He said in his opinion Danby is dead and needs new businesses. Vandemark said that he fully supports David Hall's proposal.

Suzanne Wilcox, 1415 Danby Rd., lives next to a business that David Hall owns and said that he is a great guy, who is very respectful, and a responsible business owner. She said that she agrees with the previous remarks that the Town puts too many road blocks up and will not let businesses into Danby. Mr. Wilcox said that everything that David Hall does is first-class and that they support him.

Frank Darrow, 400 Gunderman Rd., commented that it is certainly clear that we have a controversy. Darrow said that he is a long term resident of Danby and that he feels obligated to put things into historical context. He said that although we are talking about a specific proposal for an autism center, the proposal has to be viewed in the context which it exists.

Darrow described how he purchased a large parcel on Gunderman Rd. about 50 years ago and did so because he prized the rural character of the area. He said that over the years, Danby turned back a proposal for a small airport and a potential land fill for all of Tompkins County waste, to preserve the rural character of the area.

Darrow said about 20 years ago PDZ10 was created and it was a bad mistake. He said that it was supposed to be a small expansion of a home enterprise (like a farm) but because of the wording of PDZ10 and the inability to control its use, Angel heart got out of control. He said eventually Angel heart ceased operations and then there was a proposal for a school, which was also turned back for similar concerns as present.

Darrow commented that a proposed zoning change was then denied which would have allowed a multitude of business for a very large business operation more than two miles from the hamlet of Danby and Danby Rd., which is where the Comprehensive Plan welcomes businesses.

Darrow said that the proposal has been a constant changing target; that details have been changed and that he has never heard one internally consistent self-contained proposal presented to the Town Board or the Planning Board about what is proposed to happen. Darrow said that as late as the day before yesterday a new/different traffic proposal appeared.

Darrow said that he believes in the comments that were presented by Pat Woodworth and Ted Crane and that he has also made similar comments to the Town and Planning Board. Darrow said that he sees three (3) paths that can be taken (1) find a path that will un-do the terrible mistake of PDZ10 (2) take the chance of leaving PDZ10 just the way it is (3) or approve the special permit with all of its uncertainties and concerns. Darrow said that there has never been an offer from Hall to remove the underlying zoning law.

Darrow pointed out that there is a certain number of square feet allowed for the autism center's use but that the remaining building can still be used for other allowed uses by the current law. Darrow said that the lesson learned from PDZ10 is that it is very important to be as specific, precise, and restrictive as possible and to know exactly what you're voting on and that he doesn't see how the Planning Board can vote yes on the special permit.

Darrow ended by saying that he wanted to be very clear that in all of his comments he has not commented on the work of an autism center; this was not his point. Darrow said his point is the underlying proposal, the underlying zoning, and the underlying nature of having a large commercial enterprise in the middle of rural residential ag-district. Darrow suggested revitalizing the area back to the way it was 15+ years ago.

Jason Bartman, 64 Gunderman Rd., said that he had a good view of the traffic pattern along Gunderman Rd. and that there are many large trucks passing by and people speeding. He said that the road is already terrifying as it is and that it doesn't make a lot sense to put a business out there. He said that he has a mildly autistic child and that there are a lot of children that live in the neighborhood.

Sara Elbert, 405 Troy Rd., said that she was in favor of an autism center but not in favor of an autism center on Gunderman Rd. She said she has watched what has happened in her own neighborhood and that the character has changed and that it's very upsetting. Elbert asked the Board to think if they would vote yes if this was happening on their road/neighborhood. Elbert also provided a written statement giving her opposition to the proposal, which can be found at the Town Clerk's office.

Jessie Toryes, 1112 Coddington Rd., said she will be the Director of Behavioral Services for Blue Sky Center for Learning and that she is a proud Danby resident. Toryes thanked the Halls for the opportunity and invited the public to meet her and ask her any questions they might have about the center and their services.

Claudia Zen asked the Board to considering supporting Blue Sky Center for Learning. She said that she is a parent of a 12 year old autistic child and that she has struggled finding good care for him and that there is no consistent evidence based services in this area. Zen said that Blue Sky would be the first of its kind here and that her son, along without other children, needs it for their developmental growth, She added that it would be located in an ideal, safe and quiet setting, with large rooms perfect for evidence based therapy to take place in a dignified and productive manner. Zen said that all families are striving for is to raise their children to their fullest potential so they can become active members of the community and that they deserve it.

John Bernardo, 69 Governors Ln. Endicott NY, spoke and said that he is a CPA by trade and the former supervisor of the town of Union and former deputy county executive for Broome County. Bernardo said that he has agreed to serve on the Blue Sky Board due to personal interests. He stated from what he has read it is clear that the applicant shows that what he wants to do is permitted by right by the site plan review. Bernardo commented that the updated traffic study clearly shows that the traffic impacts are negligible. Bernardo said that as a soon-to-be-member of the Blue Sky Board, he suggested if the permit is denied to file an Article 78 immediately because he believes that it is permitted by right. Klingensmith asked Bernardo to clarify what he means “by right” – Bernardo said that this was his opinion after he reviewed all of the documents.

Ted Crane, 888 Comfort Rd., commented that he doesn’t have much of an opinion about the autism center itself and has no problem with it, but that he does have a problem with it being out on Gunderman Rd. Crane said that a long time ago the commercial district for Danby was identified as along 96B.

Crane said a man’s home is his castle and in this medieval concept the permit should be granted. He said that governments have taken over the role of deciding if the castle is the most important thing in the neighborhood, or if the neighborhood itself is more important.

Crane said he understands the applicant’s frustration with the paperwork but that it is a necessary process. Crane mentioned convenience and said that this should mean within Danby versus one person’s desire to have their home across from their therapy center. Crane had other additional comments and provided a written statement which can be found as an attachment to the minutes or a copy can be found at the Town Clerk’s office.

Crane also added that the new traffic study more or less states that public opinion has no frame of reference, each person’s expectations of what they think is OK is different, and therefore you can discard public opinion. He said that if you refer to Danby Zoning Law it says that in order to grant a special permit there are multiple conditions that have to be satisfied, where public opinions do matter, even if it is not scientific.

Kevin Seeney raised concerns about whether Blue Sky would be classified as a school because if so it will trigger the 1,000 foot gun free zone. Kruppa clarified that it is a clinic on the application and the special permit will be for a clinic and not a school. Kruppa added that this area of concern has been addressed before and that the applicant has gone through the necessary steps to ensure that the special permit will not adversely affect hunting and gun laws.

John Vandemark said that many people are mentioning how Blue Sky should be located somewhere along 96B, where it is zoned for commercial use, and asked where along 96B can you buy property to build Blue Sky. Strichartz said that the former Oasis Club is owned by David Hall and is located right off 96B. Vandemark also said that much of the traffic in the area is already caused by the Ithaca City School district and that 3-4 school buses go up and down his neighborhood on Comfort Road every day.

Ted Merritt said that Gunderman Rd. used to be a dirt road, with no black top, and that people feared getting stuck in the mud. Merritt said that there has been a lot of change and that Gunderman Rd. used to have a lot of farms and that farms just don't exist anymore.

Woodworth said that she had a brief chance to look at the new traffic report and that the data is still inaccurate.

Kenny Makosch asked why we can't take the other "what ifs" off the table and have a compromise where David Hall gets what he wants, as does the neighborhood. Makosch said that he doesn't want a pig farm going in or another clothing factory. He said he is OK with an autism center but not the uncertainty that it can turn into a lot more than just that. Makosch said to get the PDZ10 off the table.

Mike Allinger from Newfield NY spoke to say that having the autism center off 96B is inappropriate because of the busy location and that the kids need a quiet environment.

Crane stated that what Kenny Makosch said about PDZ10 being off the table is very sensible and that it would change a lot.

Frank Darrow asked if the members of the Planning Board see the actual special permit, or the formal approval that David Hall will receive, prior to voting. Randall clarified that the Planning Board will first vote on a declaration of environmental significance to determine if further environmental review is warranted; or if a negative declaration is passed then the Board can consider granting a special permit where the conditions are then enumerated and the Town Clerk issues a notice of decision (which is the official stamped paper copy) to the applicant which outlines what is permitted.

Crane asked why the actual document, which will result in the special permit, is not available now for the public to view and comment on during the Public Hearing. Randall said that there are time limitations on Public Hearings, as far as when they have to be held, and that the Board has the full application tonight and that this is their opportunity to receive feedback. She said that the Board will do the environmental quality review with the findings statement, at which time the Board could have another Public hearing (if they choose to – but not required) and in the end when the resolution is prepared to either approve or deny it, they can also invite additional public comment. Crane said that he thought it made more sense for the public to be commenting on the actual legislation at hand versus the applicant's request.

Dan Clements said that not very many residents of the community attended the Open House of the facility but that it is beautiful and has a lot of capabilities. He added that he didn't think it should be allowed to "fall down" like the building next to our very own Town Hall.

David Hall said that the situation on Gunderman Rd. was not created by him, but rather by the people that already lived here and they approved PDZ10 in the late 90's. Hall said that Pat Woodworth and Charles Tilton actually sold a piece of their land to Angel heart. Hall said that he has been trying to do something useful with the building that will be good for the community that has a lower impact than a clothing factory.

Hall said that he has run up against five or six voices that make things very hard and personal for him and his family. He said that no matter what he does or how he presents things it is never right or good enough. Hall said that these five or six people have been constantly negative and have created poison in the neighborhood.

Hall reiterated what is approved under the current PDZ10 which can include lots of traffic (5,000 car trips a day) and up to 140 staff. He said that this is not what he wants to do and that he never said that he wants to build this on Gunderman Rd., but rather you already have this building and I have a lot of ideas on how we can make it less harmful. Hall said that no one has ever called him to discuss what he wants to do and to fact check before signing the petition blindly.

Hall said that he has never been the heavy during this process and has always tried to have a collaborative conversation and invite people to the table and instead he got played and wasted a lot of time and money. Hall said that he wished Sue Beeners was still here because she told him that she could not find a long history of complaints about PDZ10 yet it is always talked about and doesn't seem to exist.

Hall said that food processing would use a lot more water than Blue Sky. Hall said he has been put through a lot by a small knot of people that pretend they have concerns, yet once everything is addressed there is no thank you but opens an opportunity to complain about something else. Hall said it is easy for people to comment to "make it go away" when it is not their money on the table. Hall said that Blue Sky is a non-profit and that he is volunteering the space. Hall said that we are trying to do something lovely with the building that already exists, for everybody. Hall said that he has invested \$130K in this non-profit and that he has to borrow money to get it closer to opening. He added that he hasn't even been able to collect rent on it because he has been tangled up for 2 ½ years by this and a small group of people who want to have Danby under their thumb.

Hall said that he has had a fabulous working relationship with the Planning Board and they did great work for two years. Hall said that he does believe that by reading of the definition of hospital we can conform to that and that he has a by-right pass to run the autism center. Hall said that he does not want to threaten Article 78. Hall maintained that he can conform with the definition of a "hospital: and that he was offering to peel back the over-night stay but that he will include it if he needs it to get a path paved for an Article 78. Hall said that in spite of the five to six voices he has not brought a lawyer to the meetings and is still trying to make this a community discussion.

Hall said that Kenny Makosch is right to want to keep the neighborhood just the way it is but unless someone wants to buy the building and then let it rot, that isn't going to happen. Hall said that it is a \$3.50 M building to build (not sell) and that if business like Ithaca Beer had wanted to move in, they could have and no one could have stopped them. Hall is illustrating the exposure.

Adrianna Hall, 279 Gunderman Rd., said that this process has been very public and very personal. Mrs. Hall said that when you have a child with special needs and you move into a community you really hope that your neighbors have a little discretion. She said you hope that they're an extra set of arms and eyes to help you. She said that her son now lives in a community where he is targeted and resented because of this petition and that it wasn't the right of the people (that didn't want this) to go up and down Gunderman Rd., and discuss him.

Mrs. Hall said that her little boy is now very public and what she is trying to do for him has resulted in a community where there is this much "controversy" and it has financially, emotionally, and physically drained her family. She said it is public, and it has been personal, and it has been painful and for two years they have been plating up everything asked of them and she is starting to think it's just never going to be good enough.

Hall introduced traffic engineer David Kruse and spoke about what was changed in the traffic study and said that he was available to answer any questions.

Charles Tilton wanted to clarify that the reason they sold a small piece of property to the Englehearts is because they illegally built a break room on the west side without the correct set back. He said they decided to sell it to them instead of making them tear it down. Hall said that they volunteered to sell it and that they were not forced to do so. Gagnon said the Town could have forced them to take it down.

There were four additional emailed statements from the public that were against granting the special permit for Blue Sky Center for Learning.

The Public Hearing Closed at 9:08 pm

Kruppa said there are no action items on the agenda for Blue Sky tonight and that it will be discussed again next month. Davis asked Randall to clarify what power the Planning Board has to modify, or suggest modifications, to the special use permit. Randall said that the Board can attached conditions to the granting of the special permit. She said the conditions have to be reasonably related to the use of the land - i.e. spacial limitations, number of parking spaces, or situations related to the general health, welfare, and safety of the community.

Randall said if it pleases the Board, she has a few questions for the transportation engineer. Randall said the Board is seeking to clarify whether the additional traffic generated by the special permit would create (in his opinion) a dangerous traffic situation, an over-intensification of use with respects to the available parking on site, or a hazard in respect to provisions of emergency vehicles.

Kruse commented that he cannot speak to Randall's questions without having any facts or evidence to back it up and said they did not take a look at any accident analysis and did not want to speculate. Kruse also said that parking should be accommodated that fits the land use, spaces per square feet, or whatever is deemed necessary. Kruse said that the site plan should dictate the emergency provisions and access. Randall added that the original site plan for PDZ10 allowed for 50 parking spaces for the facility.

Strichartz asked Hall under what agencies the autism center is going to be licensed. Hall said that there are a significant number of agencies, all which are listed in Part 1 of the full EAF.

Gagnon said he is unclear on how to evaluate traffic and that he is still looking for what the standard for comparison should be. He said that quite a few people objected to the idea that we should be comparing the traffic generated by the autism center to the traffic generated at one time by PDZ10 when it was a clothing manufacture. Gagnon said the SEQR reads a comparison to current, versus something speculative.

Randall said general speaking the standard is whether the proposed special permitted use would have a greater impact on traffic than other uses unconditionally permitted. She added that the uses unconditionally permitted (those that do not require a special permit) are clothing manufacturing, agricultural uses (cart blanch) single family house, two family house and public utilities.

Kruppa asked Kruse if this was the standard that the traffic comparison was based on. Kruse said there are several possible levels of study including a trip generation study, traffic impact assessment, and a traffic impact study. He said that in terms of this project they performed the trip generation comparison and projection.

Kruse said they typically look at what the traffic was and what it could be under the project application. He said in this case the previous study looked at what the project could have been, estimated trips using IT data, and used that as the basis for comparison to what the site could be. He said what they updated on the March 14th traffic study is to look at it what it could be versus what we are proposing it as for 12,000 sq. ft. Randall reiterated that her prior fundamental questions are to help the Board make a final determination of environmental significance,

Gagnon said that he didn't think the concerns of the people are captured by the three things that Randall mentioned. Gagnon said it is more or less feeling safe on the road, he said the question is whether or not the traffic is going to have that kind of impact and is it significant. Kruse said in terms of sheer volume; they have used this type of approach on low volume streets in Ithaca before and that it is designed for a particular comfort level and that the traffic impacts do not adversely impact those conditions. He said that the conservative estimate of added traffic of the proposal will still maintain a very low volume classification.

Gagnon said what we are looking at is subjective and whether the impact on the quality of life is significant and this is the real question. Kruse said that the information provided was based on research and publications by professional agencies that have quantified thresholds of traffic that generally feel right for a public roadway.

Rundle asked Hall if he would propose to use more than 12,000 sq. ft. for the autism center if he could. Hall said that he thought about taking the 12,000 sq. ft. language out, but that he would have had to start over with the application process, so that size was left in there from the former Summit proposal. Rundle said that if 12,000 sq. ft. are designated for the autism center, then that is space that cannot be used for something else and if it that amount were higher it might make a difference.

Klingensmith commented that the Board can permit how much of the building can be used for a specific use. Randall said correct but that ag-businesses are completely exempt from such constraints. Randall said that if the entire building were issued a special permit to operate Blue Sky, it is only granting an additional use for that space and it does not preclude the other uses.

Strichartz said that if there were the possibility for the Town Board to say, and for Hall to agree, that you can exchange uses by giving up the PDZ10, it would change things dramatically. Kruppa said that the original request was to change the PDZ10 and that we have been down this road before. Klingensmith said the main issue is not the PDZ10 as much as it is the large building located in an ag-zone.

Hall asked what the next steps are. Kruppa said that it was his intention to have the Board vote at the next meeting and there would not be another public hearing.

Action Item C: Waldorf School Public Hearing

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: Public Hearing; Declaration of Environmental Significance; Final Approval of Modified Special Permit

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.

The Public Hearing Opened at 9:53 pm

There were no comments from the public.

The Public Hearing Closed at 9:54 pm

PLANNING BOARD RESOLUTION NO. 18 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE 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 action was determined to be 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 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 the Planning Board, being the local agency which has primary responsibility for approving the action, did on February 16, 2017 declare itself the Lead Agency for the environmental review, and

Whereas the Tompkins County Planning Department, pursuant to §239-l, -m, and -n of the New York State General Municipal Law determined the proposal has no negative inter-community, or county-wide impacts; and

Whereas this Board, acting as Lead Agency in environmental review, did on February 16, 2017 and March 16, 2017 review and accept as adequate: "Proposed Site Plan Ver 1.8," "1st Floor Plan (A-1) Ver 2.5," "Roof Plan (A-2) Ver 2.5," "Elevations (A-3) Ver 2.5," and Foundation Plan (S-1) Ver 2.5," all prepared by Claudia Brenner, Architect, and dated January 20, 2017; preliminary "Stormwater Pollution Prevention Plan (SWPPP)," prepared by John M. Andersson, P.E. and dated February 4, 2017; preliminary "Temporary Erosion & Sediment Control, prepared by John M. Andersson, P.E., dated February 2017; statement of Adequacy of Water Supply and Sewage Treatment, prepared by John M. Andersson, P.E., dated January 26, 2017; and a Full Environmental Assessment Form (FEAF), Part 1, submitted by the Applicant, and Part 2, prepared by staff;

Now Therefore be it

Resolved that the Town of Danby Planning Board determines the proposed Ithaca Waldorf School Phase II expansion 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 Gagnon, Second By Klingensmith

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

The Motion Passed

PLANNING BOARD RESOLUTION NO. 19 OF 2017 - 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 the Tompkins County Planning Department, pursuant to §239 -l, -m, and -n of the New York State General Municipal Law determined the proposal has no negative inter-community, or county-wide impacts; and

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

Whereas the Planning Board at a Public Hearing on March 16, 2017, reviewed and accepted as adequate application materials, including preliminary drawings entitled "Proposed Site Plan Ver 1.8," "1st Floor Plan (A-1) Ver2.5," "Roof Plan (A-2) Ver 2.5," "Elevations (A-3) Ver 2.5," and

Foundation Plan (S-1) Ver 2.5,” all prepared by Claudia Brenner, Architect, and dated January 20, 2017; preliminary “Stormwater Pollution Prevention Plan (SWPPP),” prepared by John M. Andersson, P.E. and dated February 4, 2017; preliminary “Temporary Erosion & Sediment Control, prepared by John M. Andersson, P.E., dated February 2017; statement of Adequacy of Water Supply and Sewage Treatment, prepared by John M. Andersson, P.E., dated January 26, 2017; and a Full Environmental Assessment Form (FEAF), Part 1, submitted by the Applicant, and Part 2, prepared by staff; and

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

Whereas legal notice was published and adjacent property owners within 500 feet notified in accordance with the Town of Danby Zoning Ordinance, Article IX, § 904(2); and

Whereas a Public Hearing was held on March 16, 2017;

Now Therefore be it

Resolved that the Town of Danby Planning Board hereby grants the Special Permit for the Ithaca Waldorf School Phase II expansion, finding that the standards of Article IX: Special Permits § 901, of the Zoning Ordinance of the Town of Danby have been met, conditional on acceptance of the final Stormwater Pollution Prevention Plan (SWPPP) by the Town’s Stormwater Management Officer in accordance with the Town of Danby Stormwater Management, Erosion and Sediment Control Local Law 1 of 2010.

Moved By Gagnon, Second By Scriber

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

The Motion Passed

Action Item D: Miller Road Revised Declarations

The Planning Board re-voted on two resolutions from last month because they were incomplete.

PLANNING BOARD RESOLUTION NO. 20 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 Gagnon, Second By Scriber

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

The Motion Passed

PLANNING BOARD RESOLUTION NO. 21 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 Gagnon, Second By Scriber

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

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 10:02 pm.