

**Danby Planning Board
Minutes of Regular Meeting
April 27, 2017
DRAFT**

Present:

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

Others Present:

Acting Secretary	Pamela Goddard
Planner	CJ Randall
Town Attorney	Guy Krogh
Town Board	Leslie Connors
Public	Ted Crane, Katharine Hunter, Frank Darrow, Brian Jackson, David Hall, Zach Blazek, Dan Clements, John VanDeMark, Ed and Linda Fetherbay, Pat Woodworth, Charles Tilton, Paul Hansom, Sherry Clements, Tom Clements, Luke and Jessica Tonjes, Emily and Ed Miner, Jessica Miner, Allie Johnson, Julia Peckham, Carl and Diane Patzer, Gary Bortz.

Regular Meeting Opened at 7:04pm

Privilege of the Floor

Pat Woodworth spoke for the importance of the meeting being conducted without personal attacks towards anyone. She repeated an assertion, made at earlier times, that all Emails and correspondence sent to the Board are official correspondence and public record.

Katharine Hunter stated that she appreciates the work of the Planning Board and appreciates living in a place with Planning and Zoning.

Frank Darrow stated that his position has not changed, that commercial development does not belong in the middle of a residential, low density district. His position is that PDZ #10 was a mistake. He posed a question to the Board, as to whether the proposed Special Permit is limited to Blue Sky Enterprises only, or whether the Special Permit goes with the property. Kruppa noted that this question will be addressed during the discussion of Blue Sky Enterprises later in the agenda.

Gary Bortz spoke in favor of Blue Sky Center for learning. He believed that the activities there would have a low impact on the neighborhood and a good thing for the Town of Danby.

Tom Clements spoke in support of Blue Sky Enterprises.

Ed Fetherbay spoke in opposition to Blue Sky Enterprises, noting his comments at previous meetings. He is concerned about water resources in that area of Gunderman Road.

John VanDeMark spoke in support of Blue Sky Enterprises, asking why it was taking so long to come to a decision on this issue.

Ted Crane submitted several questions regarding the proposed resolution approving Blue Sky Center for Learning. What measures will be taken to hold the applicant to the terms of the resolution? Crane stated that the applicant made an empty threat at the March Public Hearing, related to food processing on site as permitted by the agricultural zone. Crane asserted that such food processing is only permitted when more than 50% of the produce is grown on site. This will not be the case at this location. Since the Public Hearing, Crane has learned the effect of portions of Danby Zoning Ordinance are inconsistent with both Danby's Comprehensive Plan and the intent of its authors. Crane urged abstention on this application until the underlying Zoning can be fixed. He urged the PB to send a strong message to the Town Board to fix zoning, and to have a moratorium on Special Permits until that is accomplished. Crane finally asserted

that business activity is already taking place onsite, prior to the approval of a Special Permit, and that therefore Blue Sky Center for Learning is in violation of Zoning.

David Hall responded to several questions raised, stating that “no games” have been played with the assessment of the property, and that there has been an investigation by the Code Officer a month and a half ago and no violations are in place. He further noted that, while there has been a two and a half year process, the current request is not the same as the proposal applied for at the start.

Approve Minutes

The March Planning Board minutes were approved, as edited.

MOTION—APPROVE MINUTES

Resolved, That the Planning Board of the Town of Danby approves the minutes of March 18, 2017 as edited.

Moved by Gagnon, Second by Rundle. The motion passed.

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

Town Board Liaison Report

Connors reported a few items that have come before the Town Board. There has been an appointment to the final open seat on the Conservation Advisory Council.

Connors reported that the South Hill Recreation Way was the subject of the most recent Town Board meetings and that there is dispute over ownership of the Railroad right of way/property which is proposed to be used as the trail extension. Legal opinion is being sought on that question.

Minor Subdivision, Coddington Road - Declaration of Lead Agency

Project Description: The Applicant proposes to subdivide the 149.57-acre property, currently joined by a tie line across Coddington Road, into two parcels: Parcel A, measuring 122 acres, with approximately 2,650 feet of frontage on Coddington Road, approximately 1900 feet of depth; and Parcel B, measuring 28.52 acres with approximately 2,650 feet of frontage on Coddington Road, approximately 850 feet of depth. 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.

There was a brief discussion of the action to take lead agency in this review. Brian Jackson gave a brief explanation of the proposal to subdivide a property which is currently divided by Coddington Road. Gagnon noted that a correction needed to be made to the frontage numbers in the second “whereas.” Randall agreed with that correction.

A Public Hearing on this minor subdivision request is scheduled for the May 18, 2017 Planning Board meeting.

PLANNING BOARD RESOLUTION NO. 22 OF 2017 - DECLARATION OF LEAD AGENCY, MINOR SUBDIVISION, CRISPELL FARM, CODDINGTON ROAD, TAX PARCEL NO. 5.-1-4.22

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. 5.-1-4.22 by Brian Jackson, Applicant and Carl Crispell, Owner; and

Whereas the Applicant proposes to subdivide the 149.57-acre property, currently joined by a tie line across Coddington Road, into two parcels: Parcel A, measuring 122 acres, with approximately 2,650 feet of frontage on Coddington Road, approximately 1900 feet of depth; and Parcel B, measuring 28.52 acres with approximately 1,660 feet of frontage on Coddington Road, approximately 850 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. 5.-1-4.22 by Brian Jackson, Applicant and Carl Crispell, Owner.

Moved by Gagnon, Second by Strichartz. The motion passed.

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

7:30pm Public Hearing, - Minor Subdivision, 552 Comfort Road

Please take notice, the Planning Board of the Town of Danby will hold the following public hearing to to hear all interested parties and citizens regarding the approval of the proposed project:

Minor Subdivision, 552 Comfort Road, Tax Parcel # 8.-1-31.22, Applicant, Sue Oltz for the Oltz Living Trust: The Applicant proposes to subdivide the existing 78.66-acre property, currently joined by a tie line across Comfort Road, into two parcels, both undeveloped: 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..

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.

Comments from Public. Carl Patzer asked about the purpose of this subdivision. He expressed a concern about the impacts on water resources if multiple dwellings are developed on the parcel. Patzer additionally expressed concerns regarding development impacts on agriculture.

Dan Clements also expressed concerns regarding water resources and agricultural uses. However, he had no objections to the minor subdivision itself. His property is adjacent to the proposed subdivision.

Julia Peckham expressed concerns about the potential of taking the land out of agriculture and development impacts on the water supply. She stated that she is opposed to the installation of commercial water and sewer systems in this area, and is also concerned about development impacts on existing wells.

The Planning Board discussed the subdivision request, starting with a review of the SEQRA documents. Based on some concerns, specifically areas of Environmental Review which seemed incomplete. Consideration of approval or denial will be held at the May PB meeting, following the receipt of a more complete Environmental Impact form from the applicant.

7:40 - Close Public Hearing

Blue Sky Center for Learning - Determination of Environmental Significance, Consideration of Special Permit

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.

There was a discussion of Determination of Environmental Significance. Gagnon suggested minor edits to a prepared resolution. This was passed with these edits.

RESOLUTION NO. 23 OF 2017 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, SPECIAL PERMIT FOR BLUE SKY CENTER FOR LEARNING, 303 GUNDERMAN RD., TAX PARCEL NO. 9.-1-9.12

Whereas an application has been submitted for review and approval by the Town of Danby Planning Board for a special permit for to create a therapy center specializing in treating autism spectrum disorders at Town of Danby Tax Parcel No. 9.-1-9.12, by David Hall, Owner and Applicant; and

Whereas this 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, being the local agency which has primary responsibility for approving the action, did on December 15, 2016 declare itself the Lead Agency for the environmental review, 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 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, March 16, 2017, and April 27, 2017, review and accept as adequate: "Site Plan: Blue Sky Center for Learning," dated January 6, 2017; "Trip Generation Assessment; Existing vs. Future Impacts," prepared by Stephen R. Ferranti, P.E., PTOE, dated January 9, 2017, and updated March 14, 2017; "Description and Evaluation of the Drinking Water Systems(s) and Sewage Treatment Systems at 297-303 Gunderman Road," prepared by John M. Andersson, P.E., dated April 28, 2010; statement updating "Description and Evaluation of the Drinking Water Systems(s) and Sewage Treatment Systems at 297-303 Gunderman Road," prepared by John M. Andersson, P.E., dated November 17, 2014; and a Full Environmental Assessment Form (FEAF), Part 1, submitted by the Applicant, and Part 2 and 3 prepared by staff; and

Whereas the Town of Danby Planning Board, in performing its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act ("SEQRA") and its implementing regulations: (i) pursued its thorough review of the applicant's completed Full Environmental Assessment Form ("FEAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review; (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and (iii) reviewed and completed the FEAF, Part II on the record and each of the identified impacts were analyzed and duly considered by the Planning Board, as Lead Agency, in relation to the question of whether such impacts were so probable of occurring or so significant as to require a positive declaration of environmental impacts, and after weighing the above and all other potential impacts arising from or in connection with this Project, and after also considering: the probability of each potential impact occurring; the duration of each potential impact; the irreversibility of each potential impact, including permanently lost resources of value; whether each potential impact can or will be controlled or mitigated by permitting, conditions, or other processes; the regional consequence of the potential impacts; the potential for each impact to be or become inconsistent with the Town's Comprehensive Plan or local needs and goals; and whether any

known objections to the Project relate to any of the identified potential impacts, the Planning Board found that these factors did not cause any potential impact to be or be likely to become a moderate or significant impact; and

Now Therefore, be it

Resolved that after due deliberation upon the foregoing, the Project and its potential impacts, and upon a review and analysis of each and all potential environmental impacts, the Planning Board as Lead Agency hereby makes a negative declaration of environmental significance relating to this Project;

Further Resolved and Determined that the Planning Board of the Town of Danby be and hereby is again declared to be the Lead Agency for an uncoordinated review under SEQRA, and after due consideration of all actual or potential negative environmental impacts, including those reviewed under 6 NYCRR Part 617, Section 617.7(c), the Lead Agency finds that the proposed action will have, and is not likely to produce any moderate or significant negative or adverse environmental impacts or consequences; and it is further

Resolved and Determined that this declaration is made in accord with Article 8 of the Environmental Conservation Law of the State of New York and the regulations promulgated thereunder and, accordingly, the Planning Board of the Town of Danby, based upon (i) its thorough review of the FEA, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a moderate or significant adverse impact on the environment, including but not limited to, the criteria identified in 6 NYCRR § 617.7(c), and (iii) its completion of the FEA Parts 2 and 3, including the findings noted therein (if any, and which findings are incorporated herein), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQRA for the above-referenced proposed action, and determines that an Environmental Impact Statement is therefore not required; and it is further

Resolved that a responsible officer of the Town of Danby Planning Board be and is hereby authorized and directed to complete and sign the determination of significance confirming the foregoing Negative Declaration, which fully completed and signed FEA and determination of significance shall be incorporated by reference in this Resolution.

Moved by Gagnon, Second by Scriber. The motion passed.

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

There was an extensive discussion regarding potential approval of a special permit for the Blue Sky Center for Learning. Rundle raised concerns regarding potential overlapping uses between the Center for Learning and pre-existing allowed manufacturing uses through Planned Development Zone #10. He stated these concerns in relation to sympathy for parents of children with autism and in recognition of the need for facilities of this sort. Rundle read from the last sentence of the alternative resolution to deny the Special permit: “There is a reasonable expectation it would not be in the best interests of the health, safety, and welfare of the community for clients of the proposed center with mild to severe Autism Spectrum Disorder, a complex neurodevelopment disorder that can include unusual responses to sensory experiences, including sensitivity to noise, to be receiving treatment adjacent to clothing manufacturing, which is an unconditionally permitted use on the parcel.”

Rundle expressed deep concerns about having an autism center in a building where clothing manufacturing is an existing, allowed right in the terms of the Planned Development Zone. Rundle further noted Hall’s assertion that, should an earlier application for increased uses be denied, Hall would bring clothing manufacturing back to the facility. Hall broke in to state that, “This is not true. Manufacturing is prohibited.” Members of the Board corrected Hall, stating that manufacturing is an allowed use.

Strichartz stated her concern that there were few details as to how the rest of the existing facility will be used. She thought an autism center is a good thing for Danby, and that something could be worked out, but that there should be no industrial activity at the center while there is an autism center there. She repeated concerns about water usage in this location. Strichartz stated that she had legal questions that she would like addressed prior to a vote. Planner Randall informed the PB that the Town Attorney was in attendance and available to answer questions at that time.

Klingensmith questioned whether the concern regarding overlapping uses and how the business should be operated was within the scope of PB consideration? She expressed a view that, in some ways, whether a business is viable is not the concern of the PB. Kruppa asked the Town Attorney to address these and other questions.

Davis stated his view that there would be a very compelling case for the Autism Center as a “stand alone” special permit. Davis referred to a previous case law related to the denial of a special permit in the case of a school directly opposite a proposed shopping center. Davis asked whether the PB was compelled to approve this request, as there would be a learning center and industry in the same area?

Town Attorney Krogh responded to various questions. Krogh stated that the PB is not compelled to approve. He noted that there is more than one level of permitting involved in setting up a learning center or clinic. State regulations will play a part, in addition to a local Special Permit. Co-existing allowed uses imply that there is already a determination that these allowed uses are consistent and harmonious. Conditions to prevent negative impacts can and should be established. If such negative impacts are irredeemable, in rare cases, a Special Permit can be denied. These denials are most often overturned.

Rundle commented that his understanding is that it is within the purview of the PB to safeguard the community, including children in treatment. He addressed a question to the Attorney as to whether the PB has the authority to say to the applicant that having an autism center in a factory is not in the best interest of the health, safety, and welfare of the community? The Attorney affirmed that the PB has this authority, as long as the reasons for this are in the record.

Davis asked for clarification as to whether the PB can set conditions at this point in relation to this special permit and the PDZ? The Attorney, affirmed this. On request from Scriber, Krogh responded with examples of mitigating conditions, such as buffering, sound baffling, and other site conditions.

Scriber stated that she has extensive experience with programs for children with autism and completely sees the need and supports the extension of such services for such children and their families in the Town. She also stated would be most comfortable knowing that such services would not be provided in the same location where there could be manufacturing or other activities which would be detrimental to people with autism. She had concerns from not knowing what would happen with the rest of the space and whether those served would be safe and shielded from over stimulation.

Strichartz asked, to what extent does personal judgement factor into deliberations and is there room for negotiation? Krogh urged the Board to avoid the word “negotiation” as this is not a contract. However, if the Board has reason to believe that certain conditions are warranted, these can be made. The language for such a condition could be something like, “No other commercial or manufacturing use within a certain distance shall be permitted without review (or subject to review).” Krogh cautioned that this language was “off the cuff” and that he would want to put more thought into specific wording but he thought that something along these lines this might buffer concerns. Davis asked whether conditions may include noise levels? Krogh noted that conditions need to relate to the proposal at hand, not on potential uses. Is there a valid concern for activities in an autism center to be buffered from noise?

Strichartz asked about water impacts as a point for conditions to be added to the special permit. Klingensmith noted that the estimated use, in environmental review, is so low as to not be addressed. She further stated that it is the applicant’s responsibility to have a facility that would be of benefit to its clients. Krogh further cautioned against conditions based on fear and speculation; impacts which *could* happen, but are not happening now.

Kruppa allowed Hall to make comments, with the caution that use of the mic is a privilege and not a right. Hall stated that the building is not a factory, and not laid out as a factory. Hall stated that this is 16,000 square feet of offices and “breakout rooms” with a 5,000 square foot warehouse at the other end. Hall stated that manufacturing is excluded under PDZ #10 and quoted the PDZ language, “The business conducted on the premises shall be limited to a clothing design and manufacturing business and related warehousing of products designed by the owner but manufactured elsewhere,” with an emphasis on *manufactured elsewhere*. Hall asserted that all of the clothing was manufactured in other locations. Based on this belief, Hall repeated that the building is not a factory and that manufacturing is not a permitted use.

Gagnon stated that he was convinced by the argument that a facility on a main road is not an appropriate place for an autism center. Therefore, in Gagnon’s view, the Gunderman Road location is a good place for this. Gagnon’s view thought that it is not reasonable to tell a property owner that nothing can be done there, and that an Autism Center might be the most low impact use of this space.

Kruppa asked a question of severalty - is the Special Permit specific to the owner? Krogh responded, probably not. While it is still legal in NYS to issue a special permit which requires periodic review, this is problematic and under challenge in the courts. Krogh stated that a Special Permit use is a property right and not tied to a person. Any allowed use attaches to the property.

Rundle stated that he was surprised and encouraged to hear Hall's belief that manufacturing was not a permitted use in PDZ #10. Rundle believed that this was a misreading of the PDZ language as it was clear that Angelheart was both designing and manufacturing clothing at the Gunderman Road facility before they started out sourcing. In any case, Rundle took this as an indication that there was no intention to have manufacturing at this location.

Kruppa stated his position that he supports the proposal, and that he supported the changes to the Planned Development Zone. In his professional life he deals with children who have this condition and there is no doubt of the need.

Davis stated support for the proposal as a desirable use, with the addition of language as proposed by the Town Attorney.

The PB discussed making amendments to the permitting resolution. Time was taken to draft the amendment language. In the end, Attorney Krogh wrote an additional Whereas to the effect that, "Applicant acknowledges, with the concurrence of the Planning Board, that manufacturing is not permitted in the subject building," and condition v in the resolution below. These amendments were accepted as a friendly amendment by those who had originally moved and seconded Planning Board Resolution No. 24 of 2017.

There was a discussion of what the review process would be for any potential future additional uses. Planner Randall stated that site plan review and/or special permitting as defined Town of Danby Zoning requirements as appropriate for the request at that time. She noted that it was not recommended to tie review to the current zoning code. The review will be that which is standardly required by the current zoning. "Grey areas" are determined by the Board of Zoning Appeals, as needed.

Klingensmith noted one further amendment to conditions listed in the resolution, that the applicant must remove "hospital" as an allowed use, as this is to be allowed under "other allowed uses deemed to be similar in nature." Randall suggested a final condition, with the applicant submitting a revised site plan. This suggestion was agreeable to both the applicant and PB and was included in the resolution as a friendly amendment.

Kruppa noted that an official protest petition had been received regarding this proposal, and therefore the resolution must pass by a super-majority of five "Ayes" of the Board.

PLANNING BOARD RESOLUTION NO. 24 OF 2017 - SPECIAL PERMIT FOR BLUE SKY CENTER FOR LEARNING, 303 GUNDERMAN RD., TAX PARCEL NO. 9.-1-9.12

Whereas an application has been submitted for review and approval by the Town of Danby Planning Board for a special permit for a therapy center specializing in treating autism spectrum disorders not to exceed 12,000 square feet within the existing barn structure on the 2.61-acre lot, Town of Danby Tax Parcel No. 9.-1-9.12, by David Hall, Owner and 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 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 December 15, 2016 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 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 a Public Hearing was held on March 16, 2017; and

Whereas this Board, acting as Lead Agency in environmental review, did on February 16, 2017, March 16, 2017, and April 27, 2017, review and accept as adequate: "Site Plan: Blue Sky Center for Learning," dated January 6, 2017;

"Trip Generation Assessment; Existing vs. Future Impacts," prepared by Stephen R. Ferranti, P.E., PTOE, dated January 9, 2017, and updated March 14, 2017; "Description and Evaluation of the Drinking Water Systems(s) and Sewage Treatment Systems at 297-303 Gunderman Road," prepared by John M. Andersson, P.E., dated April 28, 2010; statement updating "Description and Evaluation of the Drinking Water Systems(s) and Sewage Treatment Systems at 297-303 Gunderman Road," prepared by John M. Andersson, P.E., dated November 17, 2014; and a Full Environmental Assessment Form (FEAF), Part 1, submitted by the Applicant, and Part 2 and 3 prepared by staff;

Whereas the Planning Board did on April 27, 2017 make a Negative Declaration of Environmental Significance for the project, and;

Whereas as Applicant acknowledges, with the concurrence of the Planning Board, that manufacturing is not permitted in the subject building;

Now Therefore, be it

Resolved that the Town of Danby Planning Board hereby grants the Special Permit for the Blue Sky Center for Learning, finding that the standards of Article IX: Special Permits § 901 and § 600 3 (n), of the Zoning Ordinance of the Town of Danby have been met, subject to the following conditions:

- i. All adaptive reuse of the existing building shall comply in all material aspects with the adopted Planned Development Zone 10 and the standards established therein, including the "Revised Site Plan of Planned Development Zone 10 Showing Proposed Modification to Boundaries and Proposed Design Studio," Patrick Gillis, Agent, dated April 4, 1997, but not limited to, location for land uses, ingress and egress layout and design, lot and building dimensional standards, architectural standards, parking configuration, and open space and buffers.
- ii. Exterior illumination must be shielded pedestrian-scale lighting and cut-off luminaires to minimize light trespass and glare.
- iii. The Applicant shall coordinate with Tompkins County Highway Department regarding issues related to abutting County roads, including sight distance.
- iv. In connection with its application for a Non-Transient Non-Community Public Water System, the Applicant shall, among other things, conduct well testing programs in accordance with the regulatory agency requirements, and which shall be subject to the review of the NYSDEC, NYSDOH, and Tompkins County Health Department confirming that the well sites described in the "Description and Evaluation of the Drinking Water Systems(s) and Sewage Treatment Systems at 297-303 Gunderman Road" are capable of producing a sufficient water supply to meet the Project's demands, including, but not limited to producing a yield in excess of the Project's estimated maximum day demand of 460 GPD, or twice the average day demand of approximately 230 GPD.
- v. The Applicant concurs and the Planning Board thus and hereby conditions special permit approval upon the condition that no other commercial or industrial uses shall be permitted in the subject building without site plan or special permitting reviews, as set forth in Planned Development Zone #10 and the underlying zoning of the Town of Danby, as now exists or hereafter amended.
- vi. Applicant must submit revised "Site Plan: Blue Sky Center for Learning," removing the clause "under the Hospital designation as provided in the Town of Danby Zoning Ordinance" on page 2.

Moved by Gagnon, Second by Klingensmith. The motion passed.

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

Adjournment

The meeting was adjourned at 9:04pm.

Pamela Goddard, Acting Secretary