

**Danby Board of Zoning Appeals
Minutes of Hearing and Meeting
June 15, 2011**

Present:

Allen Becker
Gary Bortz
Nancy Medsker
Joe Schwartz
Alan Wagner

Others Present:

Secretary Pamela Goddard
Public Kristin Bartholomew, Raymond and Mina Ghirardo, Scott Mosher (?),
 Ted Crane

BZA Chair, Al Wagner, opened the hearing at 7:07pm

PUBLIC HEARING to consider a request for variance of the minimum 100-foot setback from property lines to constructed parking spaces, as required in Section 516 of the Town of Danby Zoning Ordinance, in order to construct a parking lot with a side yard setback of 20 feet, at the planned Ithaca Waldorf School, on Nelson Road near Danby Road, Town of Danby Tax Parcel 2.-1-17.32. Ithaca Waldorf School, Owner/Applicant.

Public Comment

A preliminary explanation of the case was presented by Kristin Bartholomew, Waldorf Representative. The request is to minimize the sight lines of the parking lot. The proposed location is next to a hedgerow; it would increase the open space and decrease the visual impact of the lot. The neighboring CSA farm has a relationship with the Waldorf School. It is hoped that the lot could be used as overflow parking for the CSA. The proposed location would put the lot that much closer to the farm.

The Ghirardos expressed concern about the sight lines of the parking lot. They and another neighbor were concerned that this lot would be visible from properties on the other side of Route 96B. Bartholomew addressed that concern, noting the the proposed lot would be further away from them than a lot which did not require a variance. She also explained that all existing hedgerows are to be maintained. The neighbors were happy with this information.

The hearing was closed at 7:10pm

Waldorf Variance Discussion

The BZA presented several questions for the representative of the Waldorf School regarding the size of the school, the amount of land owned by the school, and the school's relationship to the CSA farm and other neighbors. Bartholomew responded to each of these questions. The School owns property on both sides of Nelson Road. The operator of the CSA is on the Board of the Ithaca Waldorf School and the School leases the land to the farm. The CSA farm owns the land, next to the hedgerow, that surrounds the barn; it also owns the small property across Nelson Road.

The BZA held a discussion about the requested variance. The opinion was expressed that there is no hardship in this case and therefore little reason to consider a variance. There's a lot of land to work with. While the Board appreciated the goal of minimizing visual impacts and commended the school for keeping the hedgerows, it was thought that there are other options.

Bartholomew stated that she understood the question of hardship and said that the school had no plan to ask for a variance until it was encouraged to do so by the Planning Board. According to the water and soil survey, the school is being built on the highest point of the property. The lower parts of

the field are wetter. A retention pond will need to be constructed in the lower corner of the property. This is a concern for locating the parking lot.

There was further discussion of wet soils and whether there could be a case for placing the parking lot in the requested location due to drainage problems. A soil study, determining what soils will hold the driveway and parking lot, might provide information which would change the situation. The school had not planned to do further soil studies.

There was a question as to whether the driveway itself needs to be considered in the side yard setback. A call to Sue Beeners clarified that only the parking lot need be considered in the setback zoning. There was a discussion of possibly “flipping” the lot, so the driveway was closer to the adjacent property.

The BZA considered whether reapplying would be a hardship or whether additional information might provide a different view of the variance. The option to adjourn without prejudice was considered. After discussion, it was decided to recommend that the school should consider some method of redesign for the parking lot which would put it in compliance while meeting the desired goal of minimized visual impact and open space.

MOTION TO DENY THE VARIANCE:

The Board of Zoning Appeals of the Town of Danby denies the variance on Town of Danby Tax Parcel 2.-1-17.32 based on the fact that there is plenty of land, over 400 feet of frontage, and no extenuating circumstances.

Moved by Joe Schwartz, second by Gary Bortz, the motion passed

Allen Becker	AYE
Gary Bortz	AYE
Nancy Medsker	NAY
Joe Schwartz	AYE
Alan Wagner	AYE

Additional Discussion

The BZA encouraged the applicant to work with the Code Enforcement office to find a design that will meet its needs. Medsker stated that her “no” vote was based on an interest in more information related to soil structures.

The BZA went on the record to say that it looks forward to seeing the Waldorf School in this neighborhood.

Adjourn

The Meeting was adjourned at 7:48pm.

Pamela S Goddard, Board of Zoning Appeals Secretary