

**Danby Planning Board  
Public Hearing Minutes  
May 19, 2010**

**Members Present:**

Anne Klingensmith  
Ted Melchen  
Robert Roe  
Steve Selin  
Naomi Strichartz  
Olivia Vent  
Ray Van de Bogart

**Others Present:**

Pamela Goddard     Town Clerk  
Susan Beeners     Code Enforcement Officer

**Members of the Public:**

Leslie Connors, Kathy Halton, Poppy Singer, Herb Sheffield, Bev Fitzpatrick, Ted Crane, Betty Sheffield, Beth Hardesty, Rick Hardesty, Ed Featherbay, Anna Miller, Jack Miller Sr., Daniel Clements, Kathleen Clements, Thomas Clements, Sherry Clements, Joel Gagnon, Jane Schantz, Jack Miller Jr., Charles Tilton, Pat Woodworth, Erin Fitzgerald, Theresa Souchet, Karen Youngs Nocera, Constance Merritt, Ted Merritt, Andreas Aigner, Vally Kovary, Dan Klein, Jody Scriber, Colleen Kelsey, Penny Carpenter, Mary Meeker, Elizabeth Owens Roe, Andrea Sutherland, Kristin Bartholomew, Kathryn Caldwell, Todd Rose, David Hessler, Lisa Bushlow, Lisa Turner, Emily Butler, Faith Chase, Robert Chase, Dylan Race, Christal Trutmann, Ric Dietrich, Francis Feeney, Nancy Norton, Karen Consky, Dennis Spencer, Todd Bitner, John Gephart, T Kingsley, S Kenney, Kirsten Hascup, Frank Darrow, Walter Reimers, Brian Caldwell, Roger Grant, Joel Gagnon, David Mastroberti, Marcia Radin, John Van De Mark, Joseph Chang, Robert Stichartz, and others who did not sign in.

**Call to Order and Designating a Chair for the Public Hearing and Meeting:**

Robert Roe was nominated to chair the meeting by Steve Selin; accepted by general acclamation.  
The Public Hearing was called to order at 7pm.

**Public Hearing:**

Roe explained the public hearing process to those in attendance. He stated that a determination may not be made during the meeting to follow, since a question of a zoning change must come before the Town Board. At the most, the Planning Board could present a recommendation for the Town Board.

This public heading is an information gathering session. Everyone who wishes to speak will be given the opportunity, with a limit of three minutes per speaker. Comments could also be submitted in writing.

In order to allow as many residents as possible to speak, Roe asked those who wished to present comments to confine their remarks to the current proposal for this property.

The Planning Board introduced themselves to those in attendance. Secretary Goddard then read the following announcement of public hearing:

*Public Hearing to Consider a Recommendation to the Town Board with respect to the proposed location of Ithaca Waldorf School at 279-303 Gunderman Road, Planned Development Zone 10, Tax Parcel 9.-1-9.12, Matthew and Jeanne Engelhart, Owners; Ithaca Waldorf School, Applicant. Such proposal would involve amendment of Local Law No. 1 of 1997, related to permitted uses of Planned Development Zone 10, and approval of the general site plan.*

Three written comments were read, from Matthew Englehart (in favor), Cindy Ceracche (opposed), and Paul Viscuso (in favor). Full copies of these comments are filed in the permanent record.

**David Hessler**, President of the Ithaca Waldorf School's Board of Trustees, made a statement on behalf of the School. Hessler outlined previous presentations, which he had made to the Danby Planning and Town Boards, and adjustments which have been made to the proposal based on community/resident concerns. He described the current size and estimated maximum size (205 students in eight grades) of the school, and noted that about 20 percent of 80-odd current students are from Danby families. Hessler emphasized that the school has approached the Town—to see whether the WS is a good fit for Danby at this location—prior to purchasing the Gunderman Road/Englehart property.

#### **Summary of Public Comment:**

**Charles Tilton** expressed his opposition based on concerns about property values for the neighborhood, water and sanitation in relation to the Gunderman Road water table, private wells, and septic systems. He was also concerned about liability risks since there are poorly defined property lines.

**Pat Woodworth** expressed several concerns regarding liability, especially with boundary concerns and the safety of small children. She was also concerned about taxes and costs for services, particularly road maintenance, should the PDZ go off the tax rolls.

**Bob Strichartz** expressed his concern about water scarcity, what he termed a severe water shortage in the area, and his belief that the WS has underestimated the amount of water it will use. He was also concerned about, “Massive traffic jams in front of the school,” and extending into the neighborhood. In his opinion, the proposed zoning change is not appropriate to this area—it would add school plus business—and that Nelson Road is a more appropriate location for the Waldorf School.

**Herb Sheffield** submitted a petition with 96 signatures, “Objecting to allowing a private school with potentially 200 students, most of who are driven to school and who do not reside in Danby on our rural roads. Our reasons are unacceptable traffic increases, water shortages, noise, and limits on outdoor recreation.” A copy of the petition is marked “for the record” and filed in the permanent record. In addition, he expressed his opposition based on concerns about water supply, traffic, taxes, the potential end of hunting in the area, and the liability of children wandering off school property.

**Beth Hardesty** stated that she regularly walks the area from Jersey Hill Road to Gunderman Road and was concerned about traffic increases. She added her opinion that the school was not appropriate to this location and better suited to Nelson Road. Hardesty also noted that the letters of support were not from local people.

**Jack Miller** (Sr. and Jr.) stated that they are not opposed to the school itself or what they teach but believe that, based on water and traffic concerns, this is not the right site.

**Kate Hoffman** has had positive experiences with the WS as an educator and asked people to keep an open mind. In her belief, the school would work hard to resolve water and traffic issues and was very willing to make adjustments.

**Theresa Souchet**, an administrator at the Waldorf School, said that the neighbors had valid concerns and that the school was working hard to address these. She pointed out that the school might add other factors to the quality of life in the neighborhood. Souchet stated that the school has never had any complaints from neighbors at its current location on Turkey Hill Road. The only sounds are laughter and singing from the school. She stated that there are currently 75 students.

**Karen Nocera** stated that she has no objection to the Waldorf School and believed that its intentions are good. However, traffic and water were big concerns. She charged the Planning Board to bear in mind its responsibility to justify a recommendation, should it recommend a variance in the zoning for this property.

**David Pat** expressed his opinion that the Waldorf School in Danby is a “golden gift.” It would bring a bit of positive development and had the added benefits of raising environmentally aware students and would be a sustainable use of the land. He noted that Waldorf Schools are committed to creativity and the environment. This could be an opportunity to attract affluent families who are interested in this type of education. Pat encouraged compromise and finding solutions to the neighborhood concerns.

**Dan Clements** agreed with objections already expressed related to water supply, traffic impacts, and

the effect on the tax rolls. He asked why the Town was considering putting a school in an area listed as low density. While the Waldorf School would be fine in Danby, it should not be in this location.

**Kathy Clements** said that she had nothing against the school, and personally knows a family with children who attend. For the reasons already stated by others, it was her opinion that the school should not be in this location.

**Tom Clements** expressed the same concerns, especially about an increase in traffic on a road which is already falling apart. He stated that his well is 300 feet deep and that the water rate is only a gallon and a half a minute. As an avid hunter, he also had concerns about being prohibited from hunting on his own property.

**Sherry Clements** also had no problem with the philosophy of the school but had concerns about water and traffic flow. She didn't want negative impacts on a country road.

**Connie Merritt** asked the school to consider the fact that, while there is little objection to the school's philosophy, so many people present did not want the school at this location.

**Ted Merritt** encouraged the Waldorf School to explore adaptive re-use of the existing school building on Gunderman Road. Merritt expressed concern about property taxes increasing and about reduced ability to hunt and target shoot on his own property.

**Ed Featherbay** spoke about land use concerns, including hunting rights, for himself and another neighboring property owner who was unable to attend. He was concerned about student use of the Cayuga Trail and stated that if the school was located at this location he would close the trail on his property.

**Ann Kimmel** on Nelson Road supported the school and expressed the belief that the Waldorf School would work well with neighbors. She expressed concern about what would happen to the Nelson Road property and raised the possibility of the Town of Danby buying development rights so that the Nelson Road property could be kept a farm.

**Joseph Chang** is undecided about the school at this location, but expressed a number of environmental concerns, asking whether pesticides and herbicides would be used in the apple orchard or other environmental impacts. He asked, "If not the Waldorf School, then what other type of industrial development?"

**Jody Schriber** expressed her concerns about traffic, as a walker on Gunderman Road, since the road has no shoulders and, "Is not safe as it is." She stated her need for a quiet, peaceful place to walk. While she supports the school and the children, she has concerns about this location.

**Poppy Singer** stated that she moved to Nelson Road because the Waldorf School would be neighbors and asked them to stay at that location. She expressed concerns about what would happen to the Nelson Road property, particularly the Waldorf School's intention to sub-divide that property in order to pay for the Gunderman Road site.

**Bev Fitzpatrick** stated that she thought the Waldorf School had a great philosophy and didn't believe that they would be bad neighbors. However, she had concerns about limited resources related to the aquifer and concerns about traffic at what is already a dangerous road in winter time.

**Colleen Kelsey** stated that, as a parent with small children, she chose her home because of low traffic in the neighborhood. She agreed with others that Nelson Road was a better location and asked the Waldorf School to consider that they were fighting uphill on this issue.

**Brian Caldwell**, as the manager of the organic orchard on the site, expressed support for the Waldorf School at this location. In his opinion, the school use of this site was a good option. He stated his belief that science needed to be added into the equation so that there was a better understanding of how this aquifer really worked and that perhaps neighboring land owners were more afraid than they needed to be. Caldwell noted a variety of water mitigation systems which the Waldorf School proposed to use, including a water collection system, and cited the fact that the school is supportive of the existing orchard. He expressed concern that some other use might not be as progressive and might not want to partner with the orchard.

**Mary Meeker** expressed sympathy with those who had hunting and water resource concerns. Her prime concern was traffic safety on Gunderman Road as an avid walker.

**Liz Owens** pointed out that Gunderman Road is already a main traffic artery in the town. She spoke in

support of the school as good adaptive reuse of the Angelheart factory. She added that there were other solutions to water use issues, such as rain water collection and composting toilets.

**Andrea Sullivan**, a WS teacher, stated that the philosophy of the Waldorf School includes responsible development and reciprocity as good neighbors. With an emphasis on ecology and the environment, the school supported keeping the orchard and sustainable agriculture.

**Kristin Bartholomew**, a Durfee Hill resident and parent of Waldorf School students, spoke in favor of the school. Since the Waldorf School would either be at Nelson Road or Gunderman Road, she didn't understand how the issue of taxes was relevant. As compared to light industrial use already permitted, Bartholomew thought that the Waldorf School would be good neighbors.

**Kathryn Caldwell**, a Danby parent of Waldorf School students, said that she listened to the concerns expressed and recognized that they are important. She asked for a fair chance to see whether the school could arrive at some solutions for water supply issues, following a geological study, such as rainwater capture and composting toilets. She wouldn't want the children there if there wasn't enough water. This could be an opportunity for the community.

**Todd Rose** also spoke in support of the Waldorf School. He expressed his belief that Gunderman Road was a good location and that problems could be resolved.

**David Hessler** addressed water supply concerns, emphasizing mediation included in the proposal which will be done including installing water usage meters, low flow fixtures, increase water capture strategies, and increase reuse of gray water. He cited aquifer science, as it has been explained to him by geologists, in an attempt to allay fears regarding water scarcity. The school was willing to do drawn-down tests to provide data on this issue.

**Lisa Bushlow**, a Waldorf parent, stated that she initially thought that the Gunderman Road location would be a "win-win" situation for Danby. Since hearing the serious concerns about water and traffic, with sometime contradictory "facts" on the issues, she thought that it could still be a "win-win" situation and asked the neighbors to help the school understand the issues and gather data so that solutions could be implemented.

**Lisa Turner**, a Waldorf Board member, pointed out that the old ICSD building was not available. She stated that the School was weighing the facts that, while the Nelson Road location would have fewer problems with traffic and water, that location has no buildings and the Gunderman Road building renovations are estimated to be half the cost of a new building at Nelson Road.

**Emily Butler**, the outgoing Waldorf President pointed out the similarities between the School's Nelson Road and Gunderman Road proposals, directed at maintaining the agricultural underpinnings of the Town and these properties. She also pointed out that the old ICSD is not currently for sale and is not suitable or safe for children. She believed that the Waldorf School would be a draw for families to move to the community.

**Karen Lunsky**, a Waldorf teacher stated that the school was drawn to the beautiful organic apple orchard as part of the Waldorf environmental education philosophy. She mentioned other environmental initiatives of the WS school.

**Todd Bitner**, a Waldorf parent wanted to let the community know that, "we've been listening." He saw the potential of the Gunderman Road property as an opportunity for the School to become a part of the Danby community. The apple orchard, pond, and barns at Gunderman Road make it a good location. He stated that the school was looking for a viable location and wished to partner with the neighbors to address issues.

**Jon Geppart** addressed some of the traffic concerns, saying that he thought that, to a degree, fears were unfounded. He stated that additional traffic would be limited and predictable. According to the County highway department, even with the addition of traffic from the school Gunderman would still be classified as a low use road. He stated that busing and car pooling were options, and efforts would be made to assure that walking on the road remained safe.

**Anna Kingsley**, a Waldorf teacher, thanked the neighbors for expressing their concerns. Stating that community and creativity is important to the school, they wished to collaborate so that neighbors and the school could help each other.

**Frank Darrow** said that he appreciated the school listening and its intention to help, but hadn't yet heard enough to allay his concerns. He expressed his appreciation of the Planning Board in hearing these concerns and was glad that he didn't have to make the determination.

**Walter Reimer** said that, as a walker along rural roads, he was leery of promises. While the school has good intentions, Reimer said that even ten additional cars would be hazardous. His concerns included traffic, children in the road, the condition of the road at that location, as well as water and sewer problems.

**Marcia Radin** expressed support of the School, as a parent of Waldorf graduates and as a friend of the Engleharts, but expressed concerns about what happens when property values rise for property owners who want to stay where they are. She appreciated the School's intentions, but heard no guarantees. She questioned whether a proposed subdivision of the Nelson Road property was a sign of cooperation and harmony with neighbors.

**Nancy Norton**, a neighbor at the school's current location and a parent of Waldorf students, spoke in favor of the School proposal. She polled her neighbors, who were disappointed to learn that the School was moving, and who all considered the IWS good neighbors. Students do not wander off the property. Water problems at that location are similar to water concerns at Gunderman Road and have been mediated by the school bringing in water.

**Joel Gagnon** expressed concern about the proposed Nelson Road subdivision, saying that would not appease the Town but would trade one problem for another. He noted a negative impact in Danby from losing the old public school, and saw a potential positive impact through adaptive reuse of the Angelheart building and having a school located near the middle of Danby. He thought that it would be a mistake to pass up this opportunity.

**Dave Mastroberti** supported the idea in principal if negative impacts could be addressed. He said that the concerns of adjoining neighbors should be taken seriously, and that simple mitigations are possible, particularly in regard to potential liability from wandering children and water shortage. He applauded ideas for remediation such as storage tanks, but thought that there needed to be some legally binding measures to assure mitigation. Tax exempt status would not carry over into any profit making uses of the property.

**Christel Trutmann** stated her belief that the Waldorf School could help to build community with a hope that these Danby families would get involved in other activities such as the volunteer fire department and activities of the Danby Community Council. She hoped that neighbors could keep an open mind and find community focus in a positive direction.

**Dan Klein** thanked people on both sides for being civil. He pointed out that this is an unusual situation of single use zoning. Noted an issue of, "This better than what might be there."

#### Questions and Answers:

Sue Beeners explained the history of Planned Development Zone 10, created in 1989 for the Angelheart clothing business, and subsequently expanded twice, to 9 acres of the 26 in the property. Permitted uses are for clothing design, manufacture, and warehousing. Any new use, outside of clothing design and warehousing, would require a zoning change.

The Planning Board and public then asked questions about other zoning and environmental mitigation, including water tanks, possible impacts on wetlands. As the property is zoned for a single specific use, any other request for a zoning change would need to go through the same environmental and zoning review process. Mitigation of impacts would need to be proven and could not encroach wet lands.

Questions were asked about hunting rights and distances from a school where firing guns would be prohibited. The IWS board stated that it was aware of the level of hunting currently at the property, was not opposed to hunting, and currently leases land at the Nelson Road location for hunting. There was some confusion regarding different State and Federal regulations regarding the distance from a school within which a weapon can be possessed and/or fired, either 500 or 1,000 feet.

#### Adjournment:

The Planning Board Public Hearing adjourned at 9:07 pm.

**Planning Board Meeting:**

The Planning Board opened a discussion meeting at 9:15 pm.

Chairman Roe and CEO Beeners explained the options available to the Planning Board following the hearing, to either:

- present a negative recommendation of zoning change to the Town Board, or
- gather more information in preparation of a more complete SEQR.

The Town Board, as lead agency, has the ultimate responsibility for a decision. According to local environmental review law, the CEO has the responsibility to hear the comments of the Planning Board and then assist the PB in making a more complete SEQR for a recommendation to the Town Board.

There was a short discussion regarding what areas of environmental review, such as draw-down water tests and traffic studies of the area, might be appropriate and whether the PB should adjourn this meeting until additional information in the form of a more complete SEQR was available.

The majority of the PB members felt that they could come to a conclusion during this meeting. They responded to the overwhelming negative response from neighbors regarding traffic, water, and quality of life concerns. Proposed development of the Nelson Road property in order to pay for the Gunderman Road property was seen as a “double edged sword.”

PB members expressed some confusion regarding contradictory concerns on the part of residents, particularly regarding development and tax assessment. A desire for more research and careful discussion was expressed. It was thought that this hearing opened lines of communication and that there was a willingness on the part of the school to address problems. The PB seemed confident that input from the community was clear that Danby supported the idea of the Waldorf School in this community, but that there were strong concerns about the school in this location.

As eloquent as support was for the Waldorf School tenants, the PB felt that the the quality of life concerns of current residents in the area were paramount.

**Resolution No. 15 of 2010 - GUNDERMAN ROAD RE-ZONING RECOMMENDATION**

That the Planning Board of the Town of Danby makes a recommendation to the Danby Town Board that the PDZ-10 property not be rezoned, based on the sentiment of the neighborhood, specifically concerns about well water capacity, traffic, and the recreational use of adjacent lands.

**Discussion:**

The Planning Board discussed the question whether the neighbors could ever be convinced that the school at this location was a good fit. There was recognition that there have always been water problems at that location. Selin suggested that there be more scientific quantification of the water problems and that a water study, perhaps paid for by the school, might have long term benefit to the neighbors.

Vent expressed concern about controls on Planned Development zones should the School sublet parts of the property for light industry or other commercial uses. She and others questioned whether this PDZ should ever have been approved in the first place. Home businesses expanding into industrial development in an agricultural district was seen as problematic. Vent was concerned about growth over time and what would happen to the Nelson Road property. Others agreed that Angelheart’s previous level of business at the Gunderman Road location didn’t work.

The PB asked Waldorf representative, David Hessler, for clarification as to why the Nelson Road property, “Does not suit anymore,” and how this purchase offer came about. Hessler stated that there were three issues: the primary issue was a financial one: total construction costs at Gunderman Road would be about one third the cost of new construction at Nelson Road. They did not want to subdivide good agricultural land, and it is more environmentally responsible to do adaptive reuse of an old building. Since fundraising and building new will take time, the School always is looking out for possibilities that will

make a home base for the school work sooner.

Some members of the PB thought that more data and consideration should be gathered prior to making a recommendation to the Town Board. While Planning Board members wanted to support the Waldorf School pursue its activities, it felt a responsibility to those who already live in the area. The Planning Board encouraged the Waldorf School to pursue a location which would be advantageous to all involved.

**Moved** by Van de Bogart, Second by Klingensmith. The motion passed.

In Favor: Klingensmith, Melchen, Van de Bogart, Vent

Opposed: Roe, Selin

Abstain: Strichartz

**Other Agenda Items:**

Approval of the April minutes was postponed until the next PB meeting.

Beeners informed the Planning Board of two proposed subdivisions that will require public hearings. A motion was made to hear these proposals at the June PB meeting.

**Resolution No. 16 of 2010 - SET PUBLIC HEARINGS**

That the Planning Board of the Town of Danby shall hold two public hearings regarding flag lots on Troy Road and Coddington Road during its regular meeting on June 16. The first hearing to be held at 7pm and the second subsequent to the first.

Moved by Van de Bogart, Second by Strichartz. The motion passed by acclimation.

The meeting adjourned at 9:55 pm.

---

Pamela S Goddard, Planning Board Secretary