

Town of Danby Planning Board
Minutes of Regular Meeting
Thursday September 15, 2016

FINAL

PRESENT:

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

ABSENT:

Steve Selin

OTHER ATTENDEES:

Town Planner	C.J. Randall
Town Board	Leslie Connors
Recording Secretary	Kelly Cecala
Public	Ted Crane, Donna Dauria, Kenneth Dauria, Kim Nitchman, David Hall, John Zollweg, E. Zollweg, Robert Brenner Esq., Pat Woodworth, Charles Tilton, Fred Moore, Russ Cornwell, Jennifer Bryce, Katharine Hunter and Scott Davis.

The meeting was opened at 7:03 pm.

(1) CALL TO ORDER/AGENDA REVIEW:

C.J. Randall provided copies of the agenda. A request was made to schedule a public hearing for Blue Sky Center for Learning, located at 303 Gunderman Rd., David Hall applicant. The new proposal was added to the agenda as a discussion item.

(2) PUBLIC HEARING: Tenwood Lodge Tourist Home Special Permit

Public Hearing opened at 7:05 pm.

Kenneth Dauria, 2190 Danby Rd., questioned what the difference was between a Tourist Home and a Bed & Breakfast. He asked what the distinction was and what does it give them the right to do? Randall responded that in our zoning a Tourist Home is classified as intermittent use for tourists, but is secondary to the dwelling of the residents themselves. Dauria asked if it could be used as a hunting lodge. Randall said that hunting

would need to be permitted by the owner. Kim Nitchman, 986 Steam Mill Rd., said that her husband is an avid hunter and that some friends join him on the property to hunt but that it is not part of their business.

Dauria wanted to clarify that the special permit does not permit hunting. Randall said that the permit focuses on the use of the structure only and its internal operations and not what is happening on the property. Dauria asked if by getting a tourist home special permit, does that allow any additional benefits, like having a concert. Randall read aloud the definition of "tourist home" and what the Planning Board would be approving.

Jennifer Bryce, 2081 Danby Rd., asked if by giving this permit it would allow the owners to expand on their property by building cabins or camping grounds. Randall said no, that it does not permit additional structures.

Public Hearing closed at 7:11 pm.

(3) PRIVILEGE OF THE FLOOR:

Ted Crane commented on the upcoming Verizon application. Crane said that the visual studies in their Newfield application were all mislabeled and done sloppy. Crane said that Verizon may appear to be very professional but that they make mistakes and to be careful. Crane also commented on the added agenda item for the Gunderman Rd. Public Hearing. Crane said that the public had not been notified of any new proposal. He asked that the Planning Board inform the public about what is going on before any more discussion takes place.

Jennifer Bryce asked if the Town of Danby had dealt with Japanese Knotweed in the area, which is a highly invasive plant that is very difficult to kill. Kruppa suggested that Bryce speak to the Town Board with her concerns and ideas.

(4) APPROVAL OF MINUTES:

The approval of the August minutes was deferred to the October meeting.

(5) TOWN BOARD LIAISON REPORT:

Leslie Connors reported that the budget planning process has started. Connors also reported that the joint-meeting is now planned for November. She suggested the Planning Board think about discussion/agenda topics. Connors said that there are two Public Hearings (Tax Cap Override and Code Enforcement Local Law) scheduled for the next Town Board Meeting.

(5) ACTION ITEMS:

Action Item A:

Project: Tenwood Lodge Tourist Home

Location: 986 Steam Mill Rd.

Applicant: Russell and Kim Nitchman

Anticipated Board action(s) in September: Determination of Environmental Significance and Final Approval

Project Description: The applicant is proposing the approval of a special permit for a tourist home on tax parcel 14.-1-22.2. The project is within an existing structure and is located in the Low Density Residential Zone. This is a Type I action under the Town of Danby Environmental Quality Review of Actions and State Environmental Quality Review Act.

PLANNING BOARD RESOLUTION NO. 10 OF 2016 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR TENWOOD LODGE TOURIST HOME, 986 STEAM MILL ROAD, TAX PARCEL NO. 14.-1-22.2

Whereas, this action is a Special Permit for the Tenwood Lodge Tourist Home at 986 Steam Mill Road in the Town of Danby, 141.59 acres, Low Density Residential Zone, Kim and Russell Nichtman, owners and Applicants;

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 action was determined to be a Type I Action under the Town of Danby Environmental Review of Actions and under the State Environmental Quality Review Act in accordance with the provisions of 6 NYCRR § 617.5(c)(2); and Whereas, the Planning Board, being the local agency which has primary responsibility for approving the action, did on August 18, 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, this Board, acting as Lead Agency in environmental review, did on September 15, 2016 review and accept as adequate 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 Tenwood Lodge Tourist Home 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: Gagnon, Klingensmith, Rundle, Scriber, Strichartz, Kruppa

The motion passed

PLANNING BOARD RESOLUTION NO. 11 OF 2016 - SPECIAL PERMIT FOR TENWOOD LODGE TOURIST HOME, 986 STEAM MILL ROAD, TAX PARCEL NO. 14.-1-22.2

Whereas, this action is a Special Permit for the Tenwood Lodge tourist home at 986 Steam Mill Road in the Town of Danby, 141.59 acres, Low Density Residential Zone, Kim and Russell Nichtman, owners and Applicants;

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 action was determined to be a Type I Action under the Town of Danby Environmental Review of Actions and under the State Environmental Quality Review Act in accordance with the provisions of 6 NYCRR § 617.5(c)(2); and

Whereas, the Planning Board did on September 15, 2016 make a Negative Declaration of Environmental Significance for the project; 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, the Planning Board at a Public Hearing on September 15, 2016, reviewed and accepted as adequate application materials, including a floor plan and other application materials;

Now Therefore, be it

Resolved, that the Town of Danby Planning Board hereby grants a Special Permit, finding that the standards of Article IX: Special Permits § 904 of the Town of Danby Zoning Ordinance and NYS Town Law § 274-b have been met.

Moved by Gagnon, Second by Strichartz

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

The motion passed

Action Item B:

Project: Verizon Wireless Telecommunications Facility

Location: American Legion Post No. 221, 1231 Danby Road

Applicant: Robert J. Brenner for Verizon Wireless

Anticipated Board action(s) in September: Review of Environmental Assessment Forms - Parts 1 and 2

Project Description: The Applicant proposes to construct a large telecommunications facility at the American Legion Post No. 221. The facility will consist of a 109' monopole tower with additional 1' lightning rod, a 12' x 22' equipment platform, and other associated site improvements. The project is in the Low Density Residential Zoning District. This is a Type I Action under the Town of Danby Local Law 3 of 1999 Regulating the Siting of Wireless Telecommunications Facilities and an Unlisted Action under the State Environmental Quality Review Act, and is subject to environmental review.

Verizon Wireless Discussion:

Randall briefed the Planning Board on the materials that were provided and introduced Mr. Robert Brenner Esq., to the board. Brenner is an attorney for the law firm Nixon Peabody and attended the meeting on behalf of the applicant, Verizon Wireless.

Brenner gave a brief overview of the large packet of information that was submitted. Brenner said that the change in technology allows the monopole tower to be shorter (at 109') then what was historically used ~195'.

Strichartz asked how many carriers can co-locate on this tower. Brenner said that there are three other major carriers in the area and that the tower can handle all of them. Klingensmith asked how often does Verizon have co-locators on their towers? Brenner said up to 80-90% of the time and that it is a very common practice. He added that co-locating is their first choice, when a tower exists. Brenner said that all providers are encourage to co-locate when they can.

Klingensmith asked if there was a picture of the tower. Brenner said that would come during the photo simulation stage. Gagnon asked if there was a preferred color. Brenner said that the galvanized steel was the

preferred color but it can be painted to whatever color the Town wants. Klingensmith asked about nighttime lighting. Brenner said that since the tower is below 200' it will not be lit at night.

Full Environmental Assessment Form (Part 1) Discussion

Klingensmith suggested to change "dance club" found on page 3 of 13, section D.1.a., to a more accurate description of what the former "Oasis" property actually is currently.

Klingensmith suggested to add commercial as a "land use" on page 9 of 13, section E.1.a..

Klingensmith referred to page 10 of 13, section E.1.d., and noted that the Waldorf School is less than 1,000 feet away. She asked if there was any reason to be concerned about this location. Randall mentioned a drop-zone. Rundle said that the power emissions were very low.

Klingensmith suggested to change the answer on page 12 of 13, section E.2.o., from yes to no and add "not that we know of."

Full Environmental Assessment Form (Part 2) Discussion

Gagnon asked how deep the foundation was. Brenner said that the foundation plans are not developed until after the tower vendor is selected but that typically the depth is 10-15 ft.

Klingensmith asked how they were able to answer the water table questions and where the data came from. Brenner said that the project engineers review the data and give their responses and suggested inviting them (and others) to attend the next meeting to answer specific environmental questions.

Change 3.i. to "no, or small impact may occur" therefore the entire Section 3. Impact on Surface Water is changed to no.

Change 11.d. to "no, or small impact may occur" therefore the entire Section 11. Impact on Open Space and Recreation is changed to no.

Change 15.b. and 15.d. to "no, or small impact may occur" therefore the entire Section 15. Impact on Noise, Odor, and Light is changed to no.

Change 16.a. to "no, or small impact may occur" therefore the entire Section 16. Impact on Human Health is changed to no.

Exhibit L - Proposed Photo Locations Discussion:

The Planning Board reviewed a proposed list of 18 locations for visual testing. Brenner said that a balloon test will be conducted by launching three large orange balloons at the site location and that the lowest balloon is set to the pole height and the higher balloons are used as a vantage point for the pictures.

Rundle suggested adding some additional visual locations east of the location along Nelson Road and out towards Troy Road at the top of the hill. Klingensmith suggested adding some additional visual locations south along 96B and along Miller and Durfee Hill Rd.

Several board members commented that the Town should advertise when the balloon testing would occur so that residents would be aware of it and have explained what the balloons were. Gagnon recommended putting a small blurb in the Danby Area News.

Action Item C (added to agenda):

Project: Blue Sky Learning Center

Location: 303 Gunderman Road

Applicant: David and Adriana Hall

Project Description: David Hall said that his proposal was just a fragment from the PDZ 10 re-write that had to do with the autism center. He said that he thought a use variance would be the way to pursue this but after a discussion with Randall he is now seeking a special permit.

Klingensmith commented that this proposal has nothing to do with PDZ 10 and it was just a special permit for low density residential. Hall said he was open to have a public hearing in October and requested that the Planning Board consider it.

Kruppa asked if a more significant application package would be submitted before any further consideration. Randall said that in order to schedule a Public Hearing for October 20th, Hall needed to submit a complete application on or before October 6th. Randall said that it would be a lot to do both preliminary and final approval at the same meeting. Strichartz said that we need to meet and deliberate first before scheduling a public hearing. Rundle and Kruppa agreed that this was a two meeting process. Randall said that this was a Type-1 Action and that the Planning Board could declare lead agency so that it could go to county planning.

Scriber commented about the state and health department licensing of clinics and the special regulations. Kruppa said that approval of the special permit does not exempt the applicant from needing to fulfill these requirements. Randall said the completed application will include information that meets all the necessary criteria. She added that once we declare Lead Agency the proposal then goes to the county department of health and county planning.

A suggestion was made from the public to publish public hearing notices in the Danby Area News because not all residents get the local paper and/or check the internet. Kruppa said that part of the public notification requirements was to put it in the Ithaca Journal. Gagnon agreed that the Ithaca Journal was an imperfect mechanism. Randall said that she would check with the Town Clerk on whether or not hearing notices could be published in the Danby Area News.

Action on this item was deferred until a completed application is in hand.

(6) PLANNING & ZONING REPORT:

Randall reported that Danby is the 188th community in New York State that has adopted the Climate Smart Community Pledge. She said that she is part of the Energy Task Force which meets every two months to discuss energy planning. Randall said that Danby is working with other municipalities to qualify for funding towards energy efficiency upgrades.

Randall reported that the Town had been collaborating with the highway department on a number of initiatives; most recently the culvert funding project.

Randall stated that the Fire District is getting a new digital sign.

Randall shared with the Planning Board a clever slideshow that she put together for the Town Board regarding zoning changes; it was color coded Green/Yellow/Red and labeled Easy/Medium/Hard respectively. Randall

said that one idea she had was to allow the smaller lots that have already been divided into small parcels, to continue to develop and not call the areas where they are found low density residential anymore.

Randall said that we need to incentivize areas where we need development. She said she has some initial ideas on the hamlet rezoning and shared those ideas with the Board. Scriber wondered if the rezoning would include any affordable housing. Randall said that we might receive some town home proposals in addition to housing density developments for people that want to live car-free. Scriber also said that it was hard to find housing for people with disabilities.

Randall reported that she is going to apply for TAP (Transportation Alternative Program) grants which exclusively provide funding for pedestrian and bicycle pathways.

(7) ADJOURNMENT

The meeting was adjourned at 9:04 pm.

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