

# **Town of Danby Conservation Advisory Council (CAC)**

**DRAFT**

Minutes of Video Conference (Zoom) Meeting on  
Tuesday, August 11, 2020  
Danby, New York

**Council Members present:** Clare Fewtrell (chair), Joel Gagnon, Don Schaufler (late entry into Zoom), Ruth Sherman, Katharine Hunter, George Adams, Jonathan Zisk, Mary Woodsen (arrived later in evening)

**Council Members absent:** Bill Evans

**Others present:** Jason Haremza (Town Planner)

**Zoom Meeting was called to order at 7:04**

**Deletions or Additions to Agenda**

None

**Privilege of the Floor (PoF) - None**

**Approval Minutes MOTION for May 12, 2020**

**Gagnon moved to approve**

**Adams seconded**

**Unanimous approval**

**Approve Minutes MOTION for July 14, 2020**

**Gagnon moved to approve**

**Sherman seconded**

**Unanimous approval**

## **REPORTS AND UPDATES**

### **1) Easement signs**

Continuing discussion of Danby Conservation Easement signs - which Adams is over-seeing for the group - this time concerning

factors affecting price. There was a reminder that decision was not for color but for shades of black to white monochrome. VOSS Signs was suggested as a possible production source (<http://www.vosssigns.com/products/>). Questions were asked about material that might be used (plastic, aluminum, etc?) and Fewtrell requested some pricing estimates for next meeting.

## **2) Inspecting current Easements**

Fewtrell initiated discussion about if and when to start annual monitoring of easements, and reminded the group it should be done before hunting season. The group agreed, with the urging of Zisk, that annual monitoring was a necessary oversight procedure. Even the last easement that former chair Ulinski had written up before he left was over a year ago. A subcommittee, which Sherman volunteered to organize, was formed with Sherman, Fisk, Adams, and Fewtrell to work out what to do about reports, letters, and making appointments. PoF: Keokosky suggested a formal letter be written and a phone call made to make an appointment. Zisk said this should be part of the committee's task. Hunter said she had a letter from a land trust her family was associated with that could serve as a model for this. Fewtrell had already done a baseline annual report from a modified Dryden report, which she had developed and used for annual reports last year. There was some discussion about where these old reports were and how to make this easement storage system more systematic and accessible, but still keep it available only to CAC members – since the information should not be public. It was left to the secretary (Keokosky) and town planner (Haremza) to talk off-line.

## **3) Easement next steps – Fewtrell's property**

Fewtrell went over description of her property at 619 Comfort Rd. (8.-1-34.6) that she had written up for creating a Danby easement there. Particularly she needed help in deciding on what exceptional values it offered. It was described as a gently sloping property from a residential area, a shop and two ponds to a hayfield and then a scrubby woodland/wetland area comprising around 10.6 acres total. Walking it, Gagnon had noticed a “nice white oak” 1/2 way down field edge, also a cluster of “feral” apple trees. Sherman pointed out that from an aerial photo she supplied from a Cornell historical site you could see that part of the wooded area was formerly an open field.

Schaufler noted that land had not contained its own homestead so the topography had not been changed. Fewtrell mentioned that a neighbor to the north had an L-shape property that Fewtrell's may have been previously carved out of. It was decided her property was formerly agricultural land in early succession, reverting to woods and old growth – not exceptional, but representative.

How to divide the property for the easement initiated a discussion of “use zones,” where “residential” is the least restrictive, “agriculture and forest” allow agricultural structures and firewood removal, and “environmental” is most restrictive with the goal to conserve and preserve environment. Fisk noted that “we under-estimate the value of wetland” and encouraged that the scrubby woods be listed as an “environmental” zone.

Fewtrell's final decision included 2 zones: a residential zone and an agriculture zone. Sticking point was that environmental zone does not allow cutting for firewood or any other kind of forest management, making it too restricted. She decided that the two zones should be divided by a north/south line. There is also a lovely view across the field, which could be preserved by mowing. Is this a public benefit? The easement could include the right to remove visual obstructions. Fewtrell decided against this to keep decisions open for future owners. Gagnon checked if the baseline description included invasive species. Gagnon felt Fewtrell' description was a good baseline documentation, with the changes noted and a few more photos.

Haremza questioned whether this level of analysis is sustainable when a larger number of easements have to be processed and monitored, but Fewtrell and Gagnon felt the work done had not been exceptional. Gagnon mentioned the possibility of using drones for an overview in the future but regular on-site monitoring with pictures that monitored baseline documentation and condition of noted conservation values were more informative.

Workshop: It was noted that the property does have a leased business structure, which is in commercial active use in the “residential” area, which is unusual, but could be continued if built into the easement with additional language to cover it.

Further discussion of the shop led to the comment by Gagnon that CAC does not want to add restrictions that preclude what is already happening. Hunter noted at the least, the easement prevented another residential lot in the field. Gagnon noted that the current road frontage is 390ft so further development beyond the one residential house (each residence needs 200ft) was already against the zoning law (though he further indicated it could probably be negotiated with the town). Hunter suggested a restriction for shop not to be used in future if current renter leaves, but Fewtrell demurred at this noting it was all outfitted for the business and not using it for that would just be making it go to waste.

Though a lawyer is not required for the property owner to make a Danby easement, Fewtrell was still interested in obtaining one just to make sure the language of the easement made legal sense.

#### **4) Logging Ordinance –Don Schaufler and George Adams**

Schaufler reported that Scott Davis, Matt Ulinski, Schaufler and Adams are now on the committee. Adams said that he is still looking for a good layman's explanation for Ag and Market's restrictions. Meanwhile we can still use the Highway Department and protection of roads as justification for logging oversight.

We need educational outreach for forest owners, who currently just take the first bid that they are offered. Adams reported that Pam Goddard (former town clerk) had said that no one has ever registered a logging job. Sherman suggested this could be a CAC lecture topic for landowners - "Hiring Foresters." Gagnon suggested we could put educational materials on website, such as links to DEC advice. Adams said, (while continuing to look for comparable models) that there are 200 town-logging ordinances in NY State but he has only found 5 or 6. At a minimum we need substantial performance bonds (which vary widely) and workman's comp. Fewtrell noted in the millions is standard; Cornell requires \$3 million.

Adams said that Ulinski can't meet until September, but Fewtrell urged a report earlier. He said he could bring a more definitive draft to next meeting.

Sherman said that loggers were cutting up the woods in the property next to them (around 70 acres) and that they had paid the owner up-front. It was important to educate the landowners who were not acting in their own or the community's best interests. At a minimum hand them an informative pamphlet. Haremza commented it takes decades for these ideas to take hold. Also to also keep in mind how difficult it will be to administer. Sherman emphasized we need to get a bond from the contractor to protect roads, and educate landowners on the value of their trees and their options. Especially the big land owners.

#### **5) Management Plans for Sylvan Lane and Deputron Hollow Road Town-owned Properties**

Zisk went over a draft of what he described as "simple" plans, that he had previously sent CAC members by email. They are purposely limited to forest management.

He reported that these parcels not well suited for anything other than managing for conservation. He recommended selective cutting for forest health. In describing what was there, he said he had catalogued some species, as well as some invasives. He thought annual monitoring, which might require volunteers, paid employees, or CAC members, was appropriate. Economic and historic issues were mentioned in plan briefly.

He went over other possible uses that were non-intrusive. Zisk encouraged everyone to read the draft plans and then get back to him with comments. Haremza liked the conciseness of what Zisk had written and thought it was a great start – meaning that it didn't preclude future additions, if something else arose in the future. Discussion of how much detail was needed.

Fewtrell pushed for a final version to complete the work. Said everyone should read it and send Zisk comments – including Roaring's comments as appendices, as needed. CAC needed a final review at next meeting, and Town Board would need to hold a public hearing.

**Final agenda item of Planning Working Group report by Gagnon** dropped for lack of time. He recommended reading the secretary's minutes on-line.

**Miscellaneous items**

Sherman decided to wait for a preliminary easement walk on her property due to Covid dangers. She was in no hurry. She is also thinking in terms of more restrictive zones since watching the clear cut lumbering around them. Superior Timber Harvesting was the company doing the cutting. They were doing nothing wrong as far as legally bad practices – it was just that they were pulling out everything that was worth taking and leaving a despoiled forest behind them.

Fewtrell noted that she hadn't heard from woman who was doing the Humane Society easement and she would check with her.

PoF: Keokosky asked Gagnon if he had talked to Aaron St John about his property for sale on Deputron Hollow Rd. The answer was negative. (Note: Gagnon was again sent the NY DEC and US Forestry Service contact info on funds available for buying land after the meeting by email). Fewtrell asked Gagnon if he was still willing to work on this and if not should someone else do it. Gagnon accepted the responsibility.

**There was no Executive session**

**Next Meeting** through Zoom is on September 8 at 7p.m.

**Adjournment**

The meeting adjourned at 8:54 p.m.

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Submitted by Elizabeth Keokosky (Secretary)