

**Danby Town Board  
Minutes of Regular Meeting  
May 14, 2018**

**Present:**

Councilpersons: Leslie Connors, Ric Dietrich (Supervisor), Jim Holahan, Jack Miller, Matt Ulinski

**Others Present:**

Town Clerk Pamela Goddard  
Planning CJ Randall  
Bookkeeper Laura Shawley  
Legislator Dan Klein  
Public Ted Crane, Ronda Roaring, Anne Klingensmith, Katharine Hunter, Scott Davis.

**Regular Meeting Opened at 7:06pm**

**Privilege of the Floor**

Ronda Roaring stated that she does not support “piped in water” for the Town of Danby. Roaring asked who is responsible for maintenance and upkeep at Jennings Pond park, particularly upkeep of the bathrooms and maintenance of the trails. Dietrich responded to these questions. Further clarification is needed. She further asked about the status of a long-term plan with NYS Parks for Jennings Pond. Again, further meetings and clarification are needed.

Ted Crane reminded those present of the Ithaca City School Board and Budget voting the following day. Crane stated that he has no objections to the proposal for Hornbrook rezoning, but expressed concern that the proposed rezoning may be too open -ended and urged the Board to take a close look at potential uses that would be allowed in the new Commercial “C” zone. He also urged the Board to take action on a electric vehicle charging station, to be located at the Danby Town Hall, before the end of May when the NYS DEC 80%-of-cost grant would expire. He stated that a simple installation could cost as little as \$300. He lastly spoke in support of local regulation of Forestry/Timber Harvest in the Town of Danby and noted that there are many good examples from other municipalities such as the Town of Ithaca.

Katharine Hunter expressed concern about herbicide spraying as part of maintenance of pipeline right-of-ways. She had learned the property owners have the right to say that section of the pipeline on their property be a “No-spray Zone.” Hunter thought that this information should be publicized, especially for properties in sensitive waterway areas. Members of the Board stated that they would learn more about this.

Scott Davis reported that a small committee (including Davis, Ulinski, and Randall) have been researching legal regulation related to forestry and timber harvest. They are leaning in the direction of ordinance protection.

**Environmental Management Council Report - Anne Klingensmith**

Anne Klingensmith reported on highlights of activities through the Tompkins County EMC from the first quarter of her service with this committee. She serves of the Unique Natural Areas and the Waste Reduction subcommittees. Danby resident Robert Wesley is also working on UNAs and is helping to update the invasive plant list for Tompkins County. A portion of the County UNAs are visited and revised as needed each year. There may be some UNA boundary revisions for Deputron Hollow and Durfee Hill sites in Danby.

The EMC has voiced its support of a plastic bag ban for Tompkins County and New York State. The Waste Reduction Committee is particularly active with this. There may be county-wide ordinances that can be adopted to address this issue.

The EMC may provide comments on a possible replacement of a single lane bridge in Dryden. There are UNAs on either side of this bridge.

During a Clean Cayuga Lake presentation this spring, the need for a DEC SEQR review related to a proposed Cargill Salt Mine expansion was raised. There is concern that the expansion could trigger a potential disaster under and around the lake.

## **Warrants**

### **ABSTRACT #5 OF 2018:**

#### **GENERAL FUND**

#178-229 for a total of \$29,800.60

**Moved by Connors, Second by Holahan. The motion passed.**

**In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

#### **HIGHWAY FUND**

#85-112 for a total \$38,869.49

**Moved by Connors, Second by Miller. The motion passed.**

**In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

#### **WEST DANBY WATER DISTRICT FUND**

#6-9 for a total \$691.42

**Moved by Ulinski, Second by Connors. The motion passed.**

**In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

## **Approve Minutes**

### **MOTION - APPROVE MINUTES**

**Moved,** That the Town Board of the Town of Danby approves the minutes of April 9 and 16, 2018.

**Moved by Holahan, Second by Ulinski. The motion passed.**

**In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

## **Budget Transfers**

General budget and accounting information was shared by Bookkeeper Shawley. A full report of the 2017 Annual Report will be given at the next TB meeting.

Shawley presented a resolution for budget transfers, needed to balance and complete the 2017 fiscal year. This resolution moves funds from one budget line to another. This sort of accounting is recommended by the NYS Comptrollers Office. Members of the Board made a request for a revised resolution, with more details regarding the budget account numbers. In particular, the Board needed specifics regarding how the account numbers relate to Town expenditures.

Shawley agreed to this. The revised resolution is to be presented at the next TB meeting.

## **Authorization for Truck Lease Agreement**

Shawley and Dietrich provided information as to the need for this expanded resolution. The Town Attorney requested that a resolution with more detail about the agreement be entered into the record. Specifically, the resolution clarifies that the Town sought information from more than one lending agency. The resolution additionally shows why the Town entered into a lease agreement, rather than bonding for the purchase of new vehicles. This resolution does not change anything already agreed to, but simply provides more complete information.

### **RESOLUTION NO. 44 OF 2018 - FURTHER INFORMATION TO RESOLUTION NO. 36 OF 2018, CLARIFYING JUSTIFICATION TO ENTER INTO A LEASE PURCHASE AGREEMENT**

**Whereas** the Town of Danby has examined other financing options and canvassed lenders for bond rates and rates for installment purchases and has determined that while typical bond or BAN rates are potentially on average 0.5 to 1% lower than the effective interest rate of this proposed lease-based installment contract, the cost of bond resolutions and tax exempt verification processes and filing costs more than offset such interest costs. The Town has explored interest rates from three banking institutions and have determined that the interest rate given from the towns current bank is by far the lowest and will assess no fees for the installment purchase; and

**Whereas** given the public interest to be served by such equipment, the reduced time of acquisition and fulfillment, and the overall lower cost of an installment payment agreement as authorized by General Municipal Law ("GML") section 109-b, the Town has and hereby again expressly finds and declares that it is in the best interest of the Town to execute the lease financing agreement with Key Government Finance, Inc. for a four year term at the fixed rate of 3.6%; and

**Whereas** upon verification of compliance with local and state procurement rules, including GML 103, the Town hereby approves this transaction and as set forth below and empowers the Town Supervisor to make the determinations required by GML Section 109-b and negotiate the final form and terms of such agreement, and further authorizes said Town Supervisor to execute such agreement and each supporting document by, for, in the name of, and on behalf of the Town of Danby,

#### **Now Therefore, be it**

**Resolved**, that the Town Board of the Town of Danby authorizes the Town Supervisor to enter into a lease-purchase agreement with Stadium International for two vehicles and related equipment: and be it further resolved that this will be a four year purchase agreement, not to exceed \$430,000.00, as set forth in resolution no. 36, 2018.

**Moved by Connors, Second by Ulinski. The motion passed.**

**In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

## **Legislator's Report - Dan Klein**

Klein reported on a few matters of interest to the TB and residents of Danby. The work schedule for County Highway projects has been set for 2018. In Danby, these include projects on South Danby Road, Station Road, and Coddington Road.

Klein reminded the TB that the annual Local Board of Assessment Review for Danby would be held Wednesday May 16, 3-6pm. There was not a town-wide reassessment of properties in Danby in the past year. Therefore, a large turnout is not anticipated for this afternoon of Assessment Review.

The County budget planning process has begun. The Legislature is setting a tax cap goal of a 2.2% increase. More information will be provided through the year.

## **Declare SEQR Determination and Set Public Hearing - Minor Subdivision and Special Permit, 129 Hornbrook Road**

Planner Randall presented a complete SEQR (Environmental Quality Review) form along with a draft resolution for Town Board consideration, and the draft Local Law for adopting rezoning of a portion of a larger parcel (previously known as “Autosalvage”). These actions are related to a request for rezoning a portion of tax parcel 10.-1-82.2 (129 Hornbrook Road). The LL will only affect a 2.237 acre portion of this parcel. The property owner wishes to engage in adaptive reuse of existing structures.

The entire parcel is covered by the Danby Water Protection Local Law. Randall reported that the NY DEC has given a “clean bill of health” for this property. Since this is in a, “high vulnerability zone,” several industrial and commercial activities are prohibited for this parcel. Randall reported that the applicant is interested in adapting an existing building to warehouse use. This would require a special permit from the Planning Board.

Randall responded to questions from the Board. Ulinski asked what is the known intention for the rest of the property? Randall stated that this is unclear at this time, as the applicant has not submitted any proposals.

Dietrich asked for clarification of the next steps and the timeline for those steps? Clerk Goddard and Planner Randall noted the following timeline: Set public hearing for the Local Law (for the first TB meeting in June). Randall will send the draft LL to County Planning for their review and input. Randall intends to send a mailing to adjacent property owners, to inform them of this proposed re-zoning. A neighbor mailing is not required for a Local Law, but is advisable in this instance.

### **RESOLUTION NO. 45 OF 2018 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, REZONING, MINOR SUBDIVISION, AND SPECIAL PERMIT, 129 HORN BROOK ROAD, TAX PARCEL NO. 10.-1-82.2**

**Whereas** an Application has submitted for proposed rezoning of 2.237 acres of the total 108.89-acre tax parcel 10.-1-82.2 to zone Commercial “C,” located at 129 Hornbrook Road, from the current zoning as Low Density Residential, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant; and

**Whereas** a portion of the property is located in the Aquifer High Vulnerability (AHV) Overlay Zone; and **Whereas** this is an action under Section 800 of the Zoning Ordinance of the Town of Danby, Applications for Rezoning; and

**Whereas** A Local Law to Amend Commercial C Zoning in the Town of Danby Zoning Ordinance, Article IV: entitled ‘Establishment of Zones,’ Section 401 will change the zoning designation of a 2.237-acre portion of the parcel as depicted in a survey map entitled “A Portion of Lands of Petricola-Bartholf Partnership,” prepared by T.G. Miller, P.C., dated 11/15/2017 as shown on the official map from Low Density Residential to Commercial “C”; and

**Whereas** an Application has been submitted for concurrent review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 10.-1-82.2, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant; and

**Whereas** the Applicant proposes to subdivide the existing 108.89-acre property into two parcels: Parcel A, measuring 2.237 acres with existing 8,800 sq. ft. warehouse; and Parcel B, measuring 106.653 acres and formerly operated as vehicle dismantler Autosalvage of Ithaca, Inc.; and

**Whereas** the Applicant is additionally requesting a Special Permit to utilize the existing 8,800 sq. ft. building as a Warehouse; and

**Whereas** the Applicant is proposing adaptive reuse of the existing 8,800 sq. ft. warehouse and no new construction is required to facilitate private capital investment required to renovate and reuse the existing building within this area, which is in proximity to the Central Hamlet; and

**Whereas** pursuant to the provisions of the Zoning Ordinance of the Town of Danby, the Planning Board is required to hold, and did hold, within 62 days of the filing of the completed application with the Planning Board, a Public Hearing on March 15, 2018, which was heard by the Planning Board to assure full opportunity for citizen participation; and

**Whereas** pursuant to the provisions of the Zoning Ordinance of the Town of Danby requires an official recommendation from the Planning Board, and the Planning Board passed a resolution recommending the rezoning on March 15, 2018; and

**Whereas** 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) requires 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 proposed project 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; and

**Whereas** pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the Town of Danby Planning Board has been identified as an interested agency and it has been requested that this interested agency consents to the Town Board being Lead Agency for this project and has consented; and

**Whereas** the Tompkins County Department of Planning and Sustainability has been given opportunity to comment; and

**Whereas** this Board, acting as Lead Agency in environmental review, did on May 14, 2018 review and accept as adequate: a Full Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2, prepared by the Planning Administrator; a survey map entitled "A Portion of Lands of Petricola-Bartholf Partnership," prepared by prepared by T.G. Miller, P.C., and dated 11/15/2017; and other application materials

**Now Therefore, be it**

**Resolved** that the Town of Danby Town Board having declared itself Lead Agency in this matter, determines the proposed Rezoning, Minor Subdivision, and Special Permit 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 Connors, Second by Holahan. The motion passed.**

**In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

#### **RESOLUTION NO. 46 OF 2018 - SET PUBLIC HEARING**

**Resolved**, That the Town Board of the Town of Danby sets a Public Hearing in relation to proposed Local Law #1 of 2018, "Amending Zoning Map, Commercial Zone "C" in the Town of Danby." This Local Law enables the adaptive reuse of an existing 8,800 sq. foot warehouse on Hornbrook Road. The Public Hearing is to take place on June 11, 7pm, in the Danby Town Hall (1830 Danby Road).

**Moved by Ulinksi, Second by Connors. The motion passed.**

**In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

#### **Zoning Audit Report**

A report was made by CJ Randall including the presentation of an extensive list of Zoning Audit review questions. Reviewing the current zoning ordinances was on the list of work scope for 2018, following the 2017 joint board scoping meeting. These questions are intended to be a matrix for methodical method of reviewing existing zoning. This list has also been shared with the Planning Board. Discussion of the questions and the Zoning Audit is slated for the next PB meeting. The intent of this review is to identify needed updates and changes to the Danby Zoning Ordinance.

Randall asked the TB to review the questions and provide input prior to the audit questions being posted on the Danby web site. Information about the Zoning Audit and Review will be published in the Danby Area News. Dietrich and other members of the Board voiced their support for this process.

#### **Forestry/Timber Harvest Ordinance Report**

CJ Randall presented the first draft of a proposed Local Law related to forestry and timber harvest activities in the Town of Danby. This draft is based on other NYS laws, including those from neighboring Towns such as the Town of Ithaca. This would require separate timber harvesting permit (similar to a building permit), schedule of fees, and system of required notification. There is authorization for the Town Code Enforcement Officer or the Town Storm Water Officer to shut down an operation in the case of problems. Randall thought that this addresses several of the concerns raised by damage done at Deputron Hollow during timber harvest this spring.

Randall asked the TB for feedback. This draft Local Law will also be presented to the Planning Board and Conservation Advisory Council at their next meetings.

Ulinski reported in a meeting with Scott Davis (PB), Don Schaufler (CAC), George Adams, himself, and Planner Randall. Ulinski thought that this is going in the right direction.

There was a discussion of related changes which will be needed in the Road Use Law. Supervisor Dietrich noted that there is overlap between the land use ordinance and needed amendments to the Road Use Law. These amendments may be done at the same time.

There was an extensive discussion and Q&A. Questions were asked regarding methods of notification to loggers and land owners and what the enforcement process would be. Some of these processes will need to be fully defined through the process of drafting the ordinance amendments. There was also a question as to whether this ordinance should be specific to low-density residential zones. Are there other areas in Town where logging may be a concern (eg: on state land)? A suggestion was made that this LL cover the entire Town of Danby. This will be considered.

Randall suggested that the timeline for consideration of this LL may be: SEQR review/declaration on June 11, a Public Information session in late June, formal public hearing and consider adoption of the LL during one of the July TB meetings.

Ulinski reported that the CAC intends to have a public presentation on best use practices for land management, including logging activities. They also intend to create a brochure specific to Danby land use practices and ordinances. Resources are available through the NYS DEC. Additionally, neighbors in the area of Deputron Hollow area considering a citizen clean-up action. They may need help with large item trash clean-up, such as tires. There are concerns about residents who can not access their driveways, and repairs needed so that the road is accessible to horses.

### **Charging Station Report/Update**

A report was made by Dietrich and CJ Randall. If the Town is interested in pursuing this, action needs to be taken by the end of May. Dietrich suggested that the most promising location for a set of charging stations is at the Town Hall. Combining this with the “Park & Ride” in the Danby Community Park is too complicated, in part because there is no existing electric service there. The TB was polled for interest and support. Holahan, Ulinski, and others voiced their support. It was thought that this would be a good service for town residents and employees.

Randall outlined two options available to the town, through NYSERDA and through the DEC. Each of these options include cost saving subsidies. Further information will be presented at the next TB meeting. Ulinski offered to contact the Fire Departments to see whether they are interested in charging stations at the Fire Stations.

### **Planning Report**

A Planning report was made by CJ Randall. She informed the Board that Alyssa de Villiers, the new Planning Board/BZA secretary, will start with the next PB meeting.

Randall reported that the Highway project on Brown Road is progressing. A contract has been drafted with an environmental engineering firm out of Rochester. This firm is also working with the City of Ithaca on flood risk review.

Randall reported that the Watershed Summit, held in the past month, was a huge success. There was a very good turnout with many good conversations started related to various non-point source water impacts (eg: from CAFOs).

Grants through Bridge NY are in the works for culvert replacement, particularly at Gunderman, Bruce Hill, and West Jersey Hill Roads. The Town is working with TG Miller engineers on these proposals. Road engineers are currently working on recertification of the Gunderman Road bridge, currently limited to one-lane traffic.

Randall reported on progress on award of the \$100,000 NYSERDA “no match” grant for improvements to the Highway Barns. The Town has been informed that the grant is awarded. Several steps need to be made before the money is distributed to the Town.

With much assistance from the County Clerks, steps are being made to include the Town of Danby in a building permit system through Laserfiche. When complete, this system will streamline processes and

connect with related offices and activities through the County (such as the health department, approving septic systems).

Lastly Randall gave an update on FEMA flood risk zones. New maps have been created and were distributed to the Board. There are significant areas of West Danby which are in the risk zones. This information points in the direction of updating Danby's Flood Damage Prevention Law.

### **Short Reports - Justices, Water District, Town Clerk**

Clerk Goddard presented the April Town Clerk's Report; \$1,272.70 was received in the month of April for two days of fishing license sales, 34 dog licenses, five building permits, and several copies. \$1,143.22 was disbursed to the Town Supervisor, \$77.48 to NY DEC, and \$52 to the NYS Animal Population Control Program.

Copies of the Justices' monthly reports were circulated to the TB.

### **Adjournment**

The meeting adjourned at 8:55 pm.

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Pamela Goddard, Town Clerk