

**Danby Town Board  
Minutes of Public Hearing and Regular Meeting  
June 11, 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  
Public Ted Crane, Ronda Roaring, Steve Barber, Toby Dean, Tom Gerow, Bruce Richards, George Adams, Dane Percy, Pat Woodworth, Katharine Hunter, Scott Davis

**Public Hearing Opened at 7:06**

PLEASE TAKE NOTICE, that the Town of Danby Town Board will hold the following Public Hearing at 7:00pm on June 11, 2018 at the Danby Town Hall, 1830 Danby Road, Ithaca, NY, to hear all interested parties and citizens regarding the adoption of Local Laws #1 of 2018: A Local Law to Amend Commercial "C" Zoning in the Town of Danby:

Rezoning, 129 Hornbrook Road, Tax Parcel # 10.-1-82.2, 129 Hornbrook Rd; Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant; Applicant proposes to rezone 2.237 acres of the 108.89-acre parcel from Low Density Residential Zone to Commercial "C" Zone and to subdivide the existing 108.89-acre property into two parcels: Parcel A, measuring 2.237 acres with existing 8,800 sq. ft. warehouse to be zoned Commercial "C"; and Parcel B, measuring 106.653 acres and formerly operated as vehicle dismantler Autosalvage of Ithaca, Inc., to remain zoned Low Density Residential. An official recommendation to the Town Board to approve the rezoning was adopted on March 15, 2018 by the Planning Board in accordance with Town of Danby Zoning Ordinance Section 800(3).

Ted Crane stated that he had no immediate concerns regarding the rezoning of this parcel. However, he cautioned the Board that a "Commercial C" is the most permissive zoning and that there would be nothing to prevent a future property owner from tearing down the current commercial structure (the "whereas" about adaptive reuse assumes constraints not present in the resolution) and build anything else permitted in that zone. Dietrich responded that there is a water protection overlay on this property, and that this overlay does impose some restrictions.

No written communication was received regarding this public hearing.

**Public Hearing Closed at 7:10**

**Regular Meeting Opened at 7:10pm**

**Code of Ethics**

There was a brief discussion, during agenda review. Ulinski and Connors advised the Board that there was nothing new to review at this time. Supervisor Dietrich asked that the document be circulated so that various bBoard members and staff could make comments through "track changes." This was agreed to.

**Privilege of the Floor**

Supervisor Dietrich made a preliminary statement, addressing expected concerns regarding the Town's consideration of a draft Timber Harvest Local Law. This proposed measure is at a draft stage and still in review. Dietrich stated that recent issues have motivated the Town to review possible options. He advised those with concerns that no decisions were being made at this time.

Connors shared information about the new “Danby Gathery” located in the building where the Danby Market had been.

Tom Gerow identified himself as resident of Newfield and employed at Wagner Lumber and Hardwood. Gerow stated that he had reviewed the draft Timber Harvest LL and had several comments and suggestions. He expressed concern that, as written, the proposed Timber Harvest LL would discourage sawmills from purchasing Danby timber. He stated that, while there was a bad situation in Deputron Hollow, the industry has “cleaned up” in recent years. He urged the Board to “not overreact” to a bad situation. Gerow suggested that the Town adopt a notification and permit system for timber harvest. He further suggested that timber harvesters be required to notify immediately abutting neighbors of property to be harvested. Gerow presented a copy of a “Municipal Officials’ Guide to Forestry in New York State” as a guide. Ulinski asked Gerow to provide additional and specific comments on the draft LL to Planner Randall for review and consideration.

Bruce Richards, West Danby on Hillview Road, expressed concerns regarding the proposed Timber Harvest LL. He also works for the Wagner Companies. He stated that he supports protecting Town roads and water quality, but opposes a Timber Harvest Law. He thought that existing laws, at the local and state levels, provide adequate protection if properly enforced. He was concerned that this LL, as written, would reduce the value of his property.

Toby Dean, King Road, identified himself as a “wood user.” He stated his agreement with the two previous speakers. He reminded the Board that forestry is part of farming and that farming is identified as an important activity in the Danby Comprehensive Plan.

Ronda Roaring, South Danby Road, expressed concern about noise related activities in a low density residential area. These activities include fireworks, noise from logging trucks, and target practice. She asked the Town to consider prohibiting certain activities based on noise levels.

## **Warrants**

### **ABSTRACT #6 OF 2018:**

#### **GENERAL FUND**

#230-273 for a total of \$26,844.40

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

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

#### **HIGHWAY FUND**

#113-131 for a total \$31,502.12

**Moved by Holahan, 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 May 14 and 21, 2018.

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

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

## **Consider Public Hearing - LL #1 of 2018**

Information was provided by Planner Randall that comments from Tompkins County Planning are pending. She recommended that further consideration and a vote wait until the next TB meeting.

## **Finance Report**

Bookkeeper Shawley stated that “all is well” and a more complete report will be presented at the next TB meeting. She will also present recommended budget transfers for 2018 at the next TB meeting.

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

Ulinski reported that meetings are continuing with Scott Davis (PB), Don Schaufler (CAC), George Adams, himself, and Planner Randall. He stated that the intent is to protect the Town against future incidents such as the situation in Deputron Hollow this spring. There is no intent to prevent people from harvesting timber on their property.

The next steps are to continue working on the legislation through the various boards and committees. Members of the CAC have asked for a new draft to respond to. Ulinski thanked those who had spoken during privilege of the floor. He stated that the intent is to create a local law which is best for all.

## **Planning Report**

A Planning report for the month of May was given by CJ Randall. Randall is helping to coordinated the installation of a new TCAT bus shelter at the Danby Community Park. The installation of a bike rack, as a companion to the bus shelter, is being considered. Proper easements and permissions are being negotiated.

Randall gave a brief update on the status of the Clean Energy Communities grant awarded for energy improvements at Highway Barns. A meeting was held in early May. Highway is waiting on an engineering report for a new wash-bay. The project is ongoing.

There was an update on status of electric vehicle charging stations for the Town Hall. An application has been submitted to NYSERDA for a dual-port stations through EV Connects. The executed site host agreement was received on June 11. This should be installed in the next few months.

Consolidated Funding Applications for grant proposals are due at the end of July. There is a plan to submit “intent to apply” forms for two projects: (1) a waste water feasibility study for the Central and West Danby hamlets and (2) a housing needs assessment. Randall will attend the next TB meeting to discuss these proposals and seek input from the TB.

White Hawk Ecovillage may want changes to its PDZ related to buildout of the development and the ownership structure of the cooperative. They have informally requested a revision to the details of their Planned Development Zone.

Planning Board Chair, Frank Kruppa, is moving away from Danby. There will be an open seat on the Planning Board and the Board will need to appoint a new chair.

Randall has contacted Steve Winkley, of the NY Rural Water Association, regarding an intent to complete work on a source water protection plan. This had been in discussion at the time that the Water Protection Ordinance was drafted, but had never been completed. This is the first step in reviving that project.

The Zoning Audit questions were reviewed by the Planning Board. Feedback has been received, including a possible “full buildout analysis” of different density zones. An article in the Danby Area News has garnered “interesting and useful” questions and comments from residents.

Dietrich asked for an update on the status of the Gunderman Road bridge and related bridge and culvert work. Randall and Shawley responded with information about a pending engineers’ report on the Gunderman Road bridge and the West Jersey Hill Road culvert. A meeting is to be held on June 27 regarding several bridge and culvert projects in the Town of Danby, including Gunderman Road, West Jersey Hill Road, and Brown Road.

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

Clerk Goddard presented the May Town Clerk's Report; \$2,948.75 was received in the month of May for two days of fishing license sales, 49 dog licenses, seven building permits, one impoundment fee, and three "planning fees." \$2,861.41 was disbursed to the Town Supervisor, \$28.34 to NY DEC, and \$59 to the NYS Animal Population Control Program.

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

### **Adjournment**

The meeting adjourned at 7:54 pm.

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Pamela Goddard, Town Clerk