

**Danby Town Board
Minutes of Regular Meeting
August 5, 2019, 7pm, Danby Town Hall**

Present:

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

Others Present:

Town Clerk	Pamela Goddard
Legislator	Dan Klein
Justices	Garry Huddle, Theresa Klinger
Code	John Norman
Planner	John Czamanske
Public	Ted Crane, Ronda Roaring, Sarah Schnabel, Pat Woodworth, Patricia Nash, James Nash, Bruce Richards, Katharine Hunter, Joel Gagnon.

Meeting Opened at 7:04 pm

Privilege of the Floor

Ronda Roaring directed a question to Legislator Klein regarding public training/awareness regarding what to do in the event of an active shooter situation in any public place. She encouraged the Legislature to conduct community-wide trainings, so that people know what to do. A general discussion followed. Information was shared that the Sheriff's office has and will provide personnel for this training. Informational videos are available through FEMA. General information will be shared with the Danby public, through the town website and the Danby Area News.

Pat Nash expressed concerns about a long-term problem with damage to her property (1044 Coddington Road) related to improperly installed drainage on the neighboring property. This has been an issue for around 20 years. Nash stated that she does not feel that the Town Code Officers have been responsive to the situation. She asked the Town Supervisor and Town Board to investigate the Wagner property in regards this matter. She noted that construction on the property required a variance from Town zoning. Supervisor Dietrich and Code Officer Norman responded. The fact that the damage is on private property greatly limits what the Town is responsible for and what it can do.

Warrants

ABSTRACT #10 OF 2019:

GENERAL FUND

#320-363 for a total of \$36,732.39

**Moved by Ulinski, Second by Connors. The motion passed.
In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

HIGHWAY FUND

#223-243 for a total \$35,728.59

**Moved by Connors, Second by Ulinski. The motion passed.
In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

Approve Minutes

Clerk Goddard noted that Justice Garry Huddle's name was inadvertently left off the attendance list for the July 1 minutes, even though the minutes recorded that he made a short report at that meeting. This error will be corrected.

MOTION - APPROVE MINUTES

Moved, That the Town Board of the Town of Danby approves the minutes of July 1 and 8, 2019, as corrected.

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

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

Authorize Court Grant Application

A draft resolution was presented by Huddle and Klinger. Klinger informed the Board that the request is for some new chairs and a wooden file cabinets. The total amount is likely to be in the range of \$5,000. The language for the application authorization is the standard format used by the Court Grant program.

RESOLUTION NO. 55 OF 2019 - AUTHORIZE TOWN COURT GRANT APPLICATION

Whereas, the Danby Town Court is eligible to submit a grant application to the New York State Office of Court Administration for funding from the 2019 Justice Court Assistance Program (JCAP) for the purchase of court related items, and

Whereas, Town of Danby Justice Theresa Klinger and Town of Danby Justice Garry Huddle are requesting authorization from the Town Board for the Danby Town Court to submit a grant application to the New York State Court Administration for funding from the 2019 Justice Court Assistance Program (JCAP) in the amount not to exceed \$30,000;

Now Therefore, it is Resolved, that the Town Board of the Town of Danby approves the request from the Danby Town Court to submit a grant application to the New York State Office of Court Administration for funding from the 2019 Justice Court Assistant Program (JCAP) in the amount not to exceed \$30,000.

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

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

Road Closure For Community Day Parade

Resolution presented on behalf of the Fire Department's Community Day committee. The parade will begin at Dotson Park and travel to White Hawk Ecovillage. There was consensus that it's good to have a parade again.

RESOLUTION NO. 56 OF 2019 - CLOSING OF NY STATE ROUTE 96B FOR PARADE ON SEPTEMBER 21, 2019

Resolved, that the Town Board of the Town of Danby, in compliance with Section 1604, Paragraph 2, of the Vehicle and Traffic Law, which authorizes a Town to close a road for a parade, is officially closing New York State Route 96B on Saturday September 21, 2019 from 10:30am to 11:55am, from the intersection of East Miller and West Miller Roads to the intersection of Bald Hill Road; and it is

Further Resolved, that the Town Board approves the extension of this time period, from 10:15am to 12:15pm, if the Danby Fire Department deems such extension necessary to facilitate the safe movement of the Parade participants; and it is

Further Resolved, that there will be a detour route from the West Miller Road intersection with Route 96B to Comfort Road, to Lieb Road, to the Bald Hill Road intersection with Route 96B.

Moved by Connors, Second by Dietrich. The motion passed.

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

Discussion of Potential Short-term Moratorium on New site plan, special permit, and subdivision approvals

Joel Gagnon presented a recommendation from the Planning Board. This recommendation is in response to an expressed interested to locate a “retail variety store” in the central Danby Hamlet. This request evoked an unenthusiastic response from the PB. The PB recommended a “time out” moratorium on certain types of commercial development, in order to establish appearance standards in the zoning code.

Joel reported that he encouraged the PB to broaden the scope of a requested zoning moratorium in order to address areas where the current zoning code does not match the intention of the Danby Comprehensive Plan. He thought that there were several “quick changes” that could be made to address problems with current limitations in low density zones. An example of this change would be to amend, as an interim measure, the current requirement of two acres and 200 feet of road frontage for a buildable lot to a requirement of five acres and 300 feet of road frontage. Gagnon asked the Board to consider authorizing him to work with the Town Attorney, to draft such a moratorium. Gagnon further asked for guidelines regarding the scope of any such moratorium.

Miller asked about a prior request for locating a retail variety store in Danby, and what was done in that case such that the store was not built. Czamanske reported that the prior request was from a different retailer and at a different location. That plan didn’t work out with the property owner. Czamanske further reported that a sketch plan conference regarding the current, new proposal is on the agenda for the August 15 meeting of the Planning Board. Czamanske emphasized that this is not a formal application, but only a sketch plan proposal process. More information is needed from the retail company prior to submittal of a formal application.

Ulinski stated that he would like to hear more information, from the Town Attorney, about the components of any particular moratorium before he’d be comfortable considering moving forward. These components including particulars about appearance standards, that there be a clear scope, a time-line, guidelines for the process, and clarity on resources to get this done.

Supervisor Dietrich stated that this proposal marks a fundamental difference in priorities between Gagnon and himself. Dietrich’s priority has been protecting the infrastructure and resources of the Town. He agreed with Ulinski that it would be important to have the Town Attorney make a presentation to the Board on this matter. Dietrich outlined several existing projects that have higher priority for him in the next three months, including finding a new Planner, assuring that Emergency Management needs are met (including a new set of procedures in the case of different types of community emergencies), and preparing the 2020 municipal budget.

Miller asked about the history of any prior moratoria in the Town of Danby and how those went. There have been at least two. There were differing opinions about the process and results. There was agreement that response was “lively” and that some residents were upset by the process. There were several unintended consequences to previous moratoria.

Connors stated that she would want additional information about potential impacts on people who are currently undertaking commercial development or are in the planning process. She remembers a “stampede” to get property subdivided before a moratorium. Connors would like to avoid a repeat of that.

Gagnon stated that he shares Dietrich’s concerns regarding “time crunch” and potential negative impacts. His view was that a moratorium should be done as quickly as possible (in the next six months or so) and then rescinded as soon as possible, in the understanding that there are negative impacts of any such action. He agreed that getting a new Planner on board is a first priority.

There was further discussion in agreement to ask Town Attorney Krogh to discuss the legal implications of this with the Board. If possible Krogh will attend the next TB meeting.

The Board heard some comments from the Public. Roaring expressed concerns about the style of development of the retail variety stores in question. She stated that the Comprehensive Plan already contains measures that could be used to determine that this type of development is inconsistent with community intentions.

Ulinski asked PB member Bruce Richards to comment on this matter. Richards reported that he does not agree with the proposal to increase lot size as part of the recommended moratorium on certain types of commercial development. There are concerns about impacts on other property owners and over-reaching limits on what a property owner can do with their land. Richards reported that the PB tries to work by consensus, but they were not of one mind on an expanded moratorium. In Richards view, an expanded moratorium is, “a bit of a reach and takes us down a rabbit hole that was not the intention of the PB. He reported that the PB intention was very specific and very limited. Richard stated that he, and the PB, is looking for clear direction from the Town Board.

Miller asked Legislator Klein to share his opinion. Klein stated that he had concerns about a “stampede” in reaction to any potential zoning moratorium, and so swift action would be important.

Crane commented that considerations of possible zoning changes, particularly deficiencies in the subdivision ordinance, have been discussed for years. In his view, sooner or later, inaction will catch up with the Town, and not in a positive way. He would like to see some action happen, with the understanding that this will take some time. He suggested a study to identify the impacts, on property owners with different interests, of moratoria on different PB, Planning, and Code actions.

Miller suggested that the Town consider hiring a zoning consultant to assist with reviewing current zoning. Dietrich agreed that this could be useful, particularly in collaboration with a new Planner. This will either need to be in the budget or a grant will need to be written to cover this cost.

Housing Survey and Study Grant - Update

Holahan made a short report on the status of the CBDG Housing Survey/Study project. Requests for Proposals have been sent out and the Town is currently waiting for proposals to be submitted. The deadline is close of business, Friday August 23.

Process for Search for New Planner

Dietrich and Czamanske reported on the status of the search for a new Planner. There are currently at least seven applicants. The deadline for applications is Friday August 16. Dietrich would like a small committee to review these applications and narrow the candidate pool to two or three people, who will be called in for interviews.

Czamanske distributed copies of the Planner job posting and job description document. This has been posted locally, and nationally. Copies of current applications were circulated among the Board and then given to the Clerk. These resumes will be distributed electronically to the current TB. Gagnon and Ulinski both expressed interest in being involved in the application review process. Gagnon encouraged the TB to consider engaging the PB as part of the review process.

Emergency Management

Dietrich reported that he has asked John Norman to help update the Danby Emergency Management Plan, particularly to include active shooter situations. The last time the Emergency Plan was updated was over 10 years ago. He emphasized the importance of the TB being up-to-date with this information and encouraged them to get available FEMA training, at least to the 300 course level. Someone needs to be designated as being the primary contact for this system. It is hoped that the updated plan will be complete by the end of the year.

Youth Programming Committee Report

Ulinski reported that he was invited to attend a meeting of the Tompkins County Youth Services. He attended that meeting a few weeks ago. He found this educational. Ulinski would like to present a forum for parents in Danby sometime in the Fall, in order to inform them about available services.

Planning Report

Czamanske distributed a short report of his activities for the month of July. Highlights of the report including drafting a Civil Service job description for the Planner, working with Tompkins County Human Resources for approval of this document, and posting the job opening in various professional sites. Applications are due August 16.

The Housing Study RFP was completed and posted. Formal proposals are due August 23.

Czamanske created a development review application form for “land annexations” and lot line adjustments. He has coordinated a sketch plan conference related to a potential application for a nine thousand square foot “retail variety store” on Route 96B, allowed by special permit. He has been involved in correspondence related to a proposed farm craft beverage use. Czamanske has continued coordination regarding work to create a drainage district for the Beardsley Lane subdivision, and drafted a letter for the supervisor in support of a Town of Ithaca grant application for the South Hill Recreation Way.

Czamanske further noted that review of the Agricultural Districts in the Town of Danby will take place this month. The County would like input from the TB regarding whether to remove some parcels, no longer in agricultural use, from the district. There was a brief discussion regarding this matter. Both Roaring and Crane strongly encouraged the Board to review the Ag. District and make changes. Parcels can only be removed during the review process, which takes place once every 8 years. Public comments and Town Board recommendations will be received through August 30. Roaring suggested that the Board send letters to property owners, advising them that they will be removed from the Ag. District unless they respond that they would prefer no change. Supervisor Dietrich questioned what the procedure would be for this, whether there is time, and who was available to achieve this end. Crane offered to provide the effort needed to prepare and distribute a mailing.

Legislator’s Report

Legislator Klein reported on three topics. The three-year snow plowing agreement between the Town and County Highway Departments is up for renewal. The Legislature will open a public meeting on August 20, 5:30pm in the Legislative Chambers, to receive comments regarding whether it should support State consideration to allow rifle hunting for deer and bear.

The Station Road stream bank stabilization project has been delayed, due to rejection of the plan by the NYS DEC and Fish and Wild Life Commission. This project was intended to replace two culverts and improve the road this summer. The money has been awarded, but the plan needs to be revised. The County has asked for an extra year extension on the grant, in order to revise the plan.

Town Clerk’s Report

Clerk Goddard made a report. \$2,032.50 was received through the Clerk’s office in the month of July. This represents two fishing licenses, one marriage license, one impoundment fee, 32 dog licenses, and three building permits, and other miscellaneous revenue. \$1,922.76 was distributed to the Town Supervisor, \$47.24 to the NYS DEC, \$40 to the animal population control program, and \$22.50 to the NYS Dept. of Health.

Adjournment

The meeting adjourned at 8:40 pm.

Pamela Goddard, Town Clerk