

**Danby Town Board
Minutes of Regular Meeting
November 11, 2013
Draft**

Present:

Supervisor: Ric Dietrich
Councilpersons: Leslie Connors, Kathy Halton, Dan Klein

Excused:

Councilperson: Dylan Race

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code Officer Sue Beeners
Public Garry Huddle, Rebecca M Brenner, Ted Jones, Jack Miller, Erick Palmer,
Deanna DeMark, Linda Fetherbay, one other

The Danby Town Board meeting was opened at 7:05pm

Privilege of the Floor

Dan Klein made two short reports. He reported that the Conservation Advisory Council public information session on Nov. 9 was lightly attended, but successful in regards answering various questions about conservation easements.

The Fire Commissioners Election will be held on Tuesday December 10. No candidates are announced at this time. The Fire District is still taking nominations. Additional information should be available by the December 9 TB meeting.

Warrants - Abstract #11 of 2013:

HIGHWAY FUND

#168-186 for a total \$63,496.33

**Moved by Connors, Second by Klein. The motion passed.
In Favor: Connors, Halton, Klein, Dietrich**

WEST DANBY WATER DISTRICT FUND

#052-053 for a total \$267.10

**Moved by Halton, Second by Klein. The motion passed.
In Favor: Connors, Halton, Klein, Dietrich**

GENERAL FUND

#472-509 for a total of \$14,447.33

**Moved by Halton, Second by Dietrich. The motion passed.
In Favor: Connors, Halton, Klein, Dietrich**

Approve Minutes

Clerk Goddard reported two corrections to the October 14 minutes, suggested by Kathy Halton. Those corrections were made.

RESOLUTION NO. 99 OF 2013 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of October 14 and 21, 2013 as corrected.

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

In Favor: Connors, Halton, Klein, Dietrich

West Danby Water District Grant Payments Approval

Clerk Goddard distributed an invoice from Business Automation Services for a down payment on the West Danby Water District billing system. The clerk and bookkeeper answered questions about this invoice from the board.

Each grant-related voucher must be reviewed and approved by the Town Board prior to payment.

RESOLUTION NO. 100 OF 2013 - AUTHORIZATION TO PAY - WATER DISTRICT GRANT

Resolved, that the Town Board of Town of Danby approves special payment of an invoice from Business Automation Services, for a down payment on a Utility Billing System, System Configuration, and Installation Support and Training, in the amount of 1,370.00, to be paid out of a dedicated checking account for the OCR WDWD Improvement Grant.

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

In Favor: Connors, Halton, Klein, Dietrich

Youth Photo Show

Clerk Goddard informed the Board that the Youth Program would like to mount a display of photographs taken by youth program participants. The show would be hung on Monday, November 25 and be on display through the third week of December. The Board had questions about how many photographs and how they would be hung. There was concern that they not be thumb-tacked or nailed to the walls. It was suggested that they be mounted on the two bulletin boards.

The TB gave approval for this project, on the condition that the walls not be damaged by the display. The clerk will confirm these details with the Youth Program coordinator.

Marsh Road Seasonal to Year Round Maintenance Request

Code Officer Beeners and resident Erick Palmer (127 Marsh Road) explained a request to have a section of Marsh Road, currently a seasonal road, be extended/improved for year-round maintenance. Palmer would like to construct a pole barn to store equipment and stable his horses. No buildings, including pole barns, are allowed on seasonal roads even if they are farm related.

Palmer has met with Highway Superintendent Seamon regarding this matter. Seamon's opinion is that the road could easily be improved as a year-round road. Improvements in the way of clearing ditches would be needed on approximately 620 feet of Marsh Road. The road would remain a dirt road. Any improvements would end at the driveway for the pole barn. Palmer stated that he would like to keep the rest of the road unimproved, as they use it for horseback riding.

There was a discussion and preliminary consideration of this request. Supervisor Dietrich suggested that the road have a site visit by the fire department. There may be a need for a turn-around to accommodate rescue vehicles. Palmer has already consulted with Seamon about a pull off or turn around.

Beeners informed the Board of the "service level C" classification for low volume roads for residential use of less than 50 cars a day. This road would meet that designation. Regarding potential cu-

mulative impacts from future development, Beeners noted that there is the potential for three more lots on an improved road in that location.

Palmer assured the Board that he is not interested in improving the road for development. His interest in that section of property is for recreational use. The Board strongly encouraged the applicant to contact and inform his neighbors about his plan. Feedback from the neighbors will be important in the TB's consideration of this proposal.

This project requires SEQR review and a public hearing prior to any improvements being made. A draft local law would be needed to change the maintenance status of the road. Consideration of this request will continue into December.

Ice Cream Stand Request

Code Officer Beeners presented a preliminary request from Suzanne and Stephen Willcox for a small Ice Cream Stand on Route 96B (roughly opposite Muzzy Road). They propose putting in a portable 14x18 building, in keeping with surrounding architectural styles, near the existing barn. They intend to operate the business seasonally (May-October) with a primary product of soft and hard ice cream. The Willcoxes have held on-site meetings with the NYS DOT and have preliminary approval to proceed. They would like to file for a permit, once they have Town approvals.

Beeners noted that there is not as yet a detailed site plan for this project. Parking would be needed for the business and there is adequate space for a lot to accommodate up to ten cars. Beeners answered general questions from the Board. There were questions about road safety, zoning considerations, and the business plan.

The location is currently zoned Agricultural, and is adjacent and nearby existing commercial zones. The location would need a zoning change for the project to proceed. The Town Board would send this question to the Planning Board, if it was judged appropriate to move forward. Discussion of this proposal will continue at the next Town Board meeting. The applicants will be encouraged to attend and answer questions.

Zoning Ordinance Consideration

Code Officer Beeners presented information about an anomaly related to "number of lots allowed" in the current zoning code. In a recent review of a property matter related to a Land Division Permit, Beeners discovered that the distribution of lot entitlements as described in subparagraph (d) of Section 600, Paragraph 4 of the Zoning Ordinance does not apply to land division permits. That part of the zoning code only pertains to further subdivisions. She provided the Board with a detailed memo, approved by the Town Attorney, outlining the limitations of this section of the Zoning Ordinance. The TB will further review this information.

Beeners intends to transmit this memo to the Planning Board for its December meeting. She recommended that a review of possible modifications to this provision involved the Town Attorney.

TCAT Funding

Halton presented information about possible changes to TCAT public transportation service in Danby. The entire system is being reviewed for route adjustments. TCAT will likely be asking municipalities for financial support related to service. Halton is concerned about service reorganization for different areas of Danby. Halton will follow up with additional information in December.

Upcoming Meetings

There was a preliminary discussion of the December meetings and the year end meeting.

Town Clerk Report

Clerk Goddard made a report on activities and funds collected during the month of October, including 12 days of hunting license sales, 2 marriage licenses, and 54 dog license sales. Code and Zoning related activity included funds for a BZA appeal, planning fees, and three building permits. Records Management included the further destruction of duplicate records. Older Town minutes from 1967-2009 have been successfully scanned through the TSSERR municipal electronic records grant.

The Clerk gave a report of the procedure to fill Town Board vacancy. NYS Town Law states that, "If the appointment be made to fill a vacancy in an elective office, the person so appointed shall hold office until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled." In short, the Board member appointed to fill Klein's seat shall hold office for one year and will need to run for election for a one year term in November 2014.

Other Correspondence

Correspondence was received and distributed from David Lee Howe, 33 Michigan Hollow Road. He suggests a 30 mph speed limit on Bald Hill, Gunderman, and Michigan Hollow Roads.

Adjournment

The Meeting was adjourned at 8:13 pm.

Pamela Goddard, Town Clerk