

**Danby Town Board
Minutes of Regular Meeting
April 21, 2014
DRAFT**

Present:

Supervisor: Ric Dietrich
Councilpersons: Rebecca Brenner, Leslie Connors, Jim Holahan, Jack Miller

Others Present:

Town Clerk Pamela Goddard
Code Officer Sue Beeners
Bookkeeper Laura Shawley
Public Ted Crane, Ronda Roaring, Deanne DeMark, Erick Palmer, Judith Palmer, Stewart Palmer, Sanford Miller, Dan Klein, Garry Huddle, Ted Melchen, Theresa Klinger, Ted Merritt, John VanDeMark, Todd Rose, Suzanne Green, Camille Doucet, Henrike Burton, Tony Augustine, Anne Klingensmith, Nancy Medsker, Tom Seaney, Katharine Hunter.

The Danby Town Board Meeting was opened at 7:00pm

Privilege of the Floor/Marsh Road Extension Request

Ted Merritt spoke in support of Palmer's petition to change the designation of a section of Marsh Road so that he can build a pole barn. He also asked the Board to resume use of the public address system.

Dan Klein spoke in opposition of the request to reclassify the road, stating that while the Town Board may reclassify a section of road if a public benefit is shown it is not obligated to do so.

Craig Palmer spoke in support of the petition to reclassify the section of road.

John VanDeMark asked for some background on the issue. Supervisor Dietrich outlined some history of an issue he described as "challenging" over the past several months.

DeAnna DeMark asked that the Board base its decision on the local law and on concrete information rather than public opinion.

Several pieces of Email correspondence were read: Anne Stork and Gordon Rowland (24 Gilbert Road) wrote in opposition of reclassification, with concerns about water resources in the region. Anne Klingensmith wrote as a member of the Planning Board in opposition to reclassification, stating that she, "believes it is in the best interest of the Town for this part of Danby to remain as undeveloped as possible." Kathy Halton wrote that she, "did not think that the Town should should the cost of paving the road for a property that was bought when the road was not paved.... If the owners of that property want to extend the road at their expense, then that is a different matter."

Nancy Medsker (67 Marsh Road) wrote in opposition of the proposed reclassification, questioning the need for an enlarged turnaround for emergency response vehicles. Henrike Burton wrote in opposition, questioning the extent of the public benefits from such things as a conservation easement (as an imprecise limit on development) and the proposed enlarged emergency vehicle turnaround.

Neighbors Todd and Suzy Rose (115 Marsh Road) wrote that, "Much as we would like to see Erick and Dee be able to build the pole barn they'd like to build, as well as the possible seasonal house they've also talked about building in the future, we feel that changing that section of road to year-round use, as the means to allow them that prerogative, comes with too high of a cost to all of us. We respectfully submit to you that safeguarding the very special natural area that surrounds this end of Marsh Rd (south of Hornbrook Rd) and Deputron Hollow Rd from the encroachment of further development should be considered the highest priority in your deliberations and decision, as this pur-

pose truly serves the greatest good for our community. While Erick's generous offer to pay for the construction of a new truck turnaround may be seen as offering some benefit to the town (if, indeed, a new, larger turnaround is really needed at this time -- a question, which, in itself, seems to warrant further examination), such a potential benefit, which may save the town, at most, a few thousand dollars, should not distract the town from its resolve to protect the special natural beauty of unique pockets of land like what we all enjoy and appreciate in this location. To justify making the requested change to that section of Marsh Rd, thereby opening up that area to significant new development (even if the proposed new conservation easements are put in place), on the basis that the petitioner has made an offer that may save the town a few thousand dollars, would seem to set a very bad precedent."

Ted Crane (605 West King Road) wrote in support of reclassification; "If the reclassification of this section of Marsh Road resulted in any significant cost to the Town, it would be public funds spent for private gain. If there was any significant loss of property value, etc. to near neighbors, their loss would have to be considered. In this case, since this neither condition is likely to be a problem, the Town should break the Catch-22 stalemate and accept the landowner's offer to improve the road, to create conservation easement(s), and to improve emergency vehicle access in exchange for reclassification of the road."

Erick Palmer spoke regarding the cost of the project and that he is willing to "foot the bill" for needed improvements so that there will be no cost to the Town. He believes that this will benefit not only himself but the Town as a whole.

Tony Augustine spoke in favor of the reclassification and noted that some of the concerns expressed are not based in the facts of the case.

Judith Palmer (the mother of the applicant) spoke in favor of the petition to reclassify the section of road for a pole barn to shelter horses. She regretted that the issue had become so contentious and was pulling the community apart.

Ted Crane asked for clarification regarding procedure—if the petition is approved/granted will the next step be a public hearing for the passing of a local law reclassifying the section of road? This is correct.

Ted Melchen spoke in support of the petition to reclassify the road and added information about plans to put lands into conservation easements. He cautioned that if the petition for reclassification is not approved, Palmer may sell the land and move. The situation may then be much worse, if a developer buys the property.

Garry Huddle spoke in favor of the petition to reclassify the section of Marsh Road, in support of someone who wants to improve his property.

Closed Session

Brenner moved that the Town Board enter Closed Session for legal advice from the Town Attorney. The motion was seconded by Connors and approved unanimously.

The Town Board entered Closed session at 7:25pm.

The Town Board resumed its regular meeting at 9:45pm.

Vote on March Road Extension Request

Councilwoman Connors read the following resolution for Town Board vote. There was no further discussion of the matter.

RESOLUTION NO. 53 OF 2014 - RESOLUTION IN CONSIDERATION OF A PETITION TO DISCONTINUE THE MINIMUM MAINTENANCE DESIGNATION OF A PORTION OF MARSH ROAD SOUTH OF HORN BROOK ROAD

Whereas, Erick Palmer, 127 Marsh Road, petitioned the Town Board by letter dated November 4, 2013 to discontinue the Minimum Maintenance designation of a portion of Marsh Road south of Hornbrook Road, beginning where Marsh Road ends as a year-round road and continuing southerly approximately 620 feet; and thereby to change the classification of said portion from minimum maintenance to year-round single lane two way road; and

Whereas, the reason for said petition was to allow Mr. Palmer to build a pole barn in the near future and potentially a residence on land south of his current residence at 127 Marsh Road; where such land currently has no frontage on a year-round road; and

Whereas, said petition was submitted pursuant to the provisions of Local Law 2 of 2002 (A Local Law in Relation to the Classification of Low Volume Rural Town Roads: The Establishment of Maintenance and Rehabilitation Guidelines for Such Roads and the Procedure to be Followed to Designated Particular Roads According to Classification); and

Whereas, the petitioner has proposed to pay all costs of improving said road portion and constructing a turnaround to be conveyed by easement to the Town, and has proposed to restrict future development on his property to one new residential lot; and

Whereas, the Town Board of the Town of Danby held a public hearing on the matter on January 20, 2014;

Now, Therefore, it is

Resolved that the Town Board of the Town of Danby finds the following:

1. The proposed turnaround would be an improvement over the one currently used on the Rose property, and thus be beneficial to the public interest;
2. Future costs to the Town for normal maintenance would be potentially offset by additional CHIPS revenue from the road classification change;
3. As a mitigating feature included in the applicant's request, he proposes to place his 13- acre lot in conservation easement and to restrict residential use to one new dwelling; and an abutting property owner has proposed to place a 42-acre parcel adjacent to the Palmer parcel in conservation easement as part of this project;
 - a. Open space preservation is fundamental to the maintenance, enhancement, and improvement of quality of life, pursuant to NYS Environmental Conservation Law, Conservation Easements (ECL 49-0301), so the proposed conservation easements are indeed public benefits.
 - b. The lands placed in conservation easement would act as buffers to a unique natural area, consistent with an objective in the Town Comprehensive Plan.

Further Resolved, that the Town Board approves in concept the discontinuance of the subject 620+/- feet of Marsh Road as a minimum maintenance road notwithstanding any subsequent requirements of project approval, which include but may not be limited to a SEQR environmental review and the consideration of a local law (following public hearing) changing the classification of said road portion; and it is

Further Resolved, that the Town Board declares itself Lead Agency in the further review of this project as an Unlisted Action; and it is

Further Resolved, that the Town Board directs the applicant and town staff to proceed with the necessary materials for such environmental review.

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

In Favor: Brenner, Connors, Holahan, Dietrich

Opposed: Miller

Appoint Pond Personnel

Brenner presented a proposal to appoint two supervisors to the Jennings Pond program. The position has been shared, unofficially, by Amy Cusimano and Mary Ann Kosak for the past few years. They have been sharing the \$1,000 stipend budgeted for the position. Brenner proposed that this amount be increased to \$800 each. Dietrich suggested that the proposed salary adjustment be considered at a separate time.

RESOLUTION NO. 54 OF 2014 - APPOINTMENT OF JENNINGS POND RECREATION SUPERVISORS

Resolved, That the Town Board of the Town of Danby appoints Amy Cusimano and Mary Ann Kosak to a one year term as Jennings Pond Supervisors, effective January 1, 2014 through December 31, 2015.

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

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

Youth Service Recognition

Connors reported on an award ceremony for Maya Patt. Patt received a “Distinguished Youth” award from the Tompkins County Legislature. Three Town Board members were present for the presentation. Connors reported that the award ceremony was very moving.

Town Email Addresses

Dietrich made a short report of a positive meeting with Town staff and Councilman Holahan regarding research being undertaken for securing Town Email addresses. Holahan will send out an update to the Board.

Adjournment

The Meeting was adjourned at 9:55pm.

Pamela Goddard, Town Clerk