

**Danby Town Board  
Minutes of Regular Meeting  
August 17, 2015  
DRAFT**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Code Officers CJ Randall  
Legislator Dan Klein  
Public Ted Crane, Ronda Roaring, Felicia Parsons, Fred Schliefer, Joan Grant, Roger Grant, David Hall

**The Danby Town Board Meeting was opened at 7:07pm**

**Historian's Report**

Joan Grant made a report of her activities as Danby Town Historian. She has been working with the other Town and County historians in Tompkins County on several projects. A revised Danby history and informational brochure is in the works. The county-wide historians are working a project related to Tompkins County civil war history.

Grant has compiled an annotated and cross-referenced record of names and burial locations in Danby cemeteries. Dietrich noted that this could be a major project for the time. A copy of this will be provided for use at the Danby Town Hall. There was a related discussion regarding restoration of stones that were bulldozed over at the Peter Road cemetery.

Grant noted that she responds to many queries via mail and Email, and that she loves this work.

Members of the Board encouraged her to make cemetery records and other Danby history information available to the public in several ways: articles in the Danby Area News, a copy of the cemetery records in the Danby Library, and public programming. Grant was informed that file space and use of an office in the Danby Town Hall is available for the Town Historian's use and for storage of Danby historical records. She was strongly encouraged to use this.

**Approve Minutes**

**RESOLUTION NO. 75 OF 2015 - APPROVE MINUTES**

**Resolved**, that the Town Board of Town of Danby approves the minutes of July 20, 2015.

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

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

## **Highway Barn Roof Repair**

Shawley presented quotes, information, and a recommendation on behalf of Carl Seamon and Jack Shawley. The roof at the Highway Barn is badly in need of repair. The Highway Superintendents sought quotes from six local contractors. They made a recommendation to use Scott Quick Construction. This was the lowest bid received. In addition, Scott Quick has a good reputation for work with other municipalities and large businesses. Bids ranged from \$33,000-\$90,000.

Shawley answered questions, to the best of her knowledge, regarding the condition of the roof and the work required. All of these bids reflect prevailing wage, and all bidders were able to provide required insurance coverage. It is hoped that this work can start and be completed in September/October.

### **RESOLUTION NO. 76 OF 2015 - AUTHORIZE HIGHWAY BARN ROOF REPAIR**

**Whereas**, the roof of the Highway Barn is approximately twenty-five years old and has several leaks. The shingles are loosening and falling off in areas, and

**Whereas**, quotes were obtained from six local builders for shingle removal, repair of any damaged construction, and shingle replacement,

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

**Resolved**, that after reviewing quotes the Town Board of Town of Danby authorizes the Highway Department to hire Scott Quick Construction to do all roofing work. The price of the project is \$33,000 to be paid out of the Building Reserve in the General Fund.

**Moved by Connors, Second by Brenner. The motion was tabled.**

Members of the Board had several questions regarding the range of specificity in the various bids. The bid from Scott Quick Construction, as presented to the Board, was not specific as to materials to be used, waste disposal, etc. Connors and other expressed concern that it is difficult to evaluate the relative bids when the cost ranges and levels of specificity are very different. Brenner asked whether this was a time sensitive matter, and needed to be passed soon in order to schedule work.

Code Officer Hansen was asked for his perspective on the Highway Barn roofing project. He suggested that metal roofing be considered. Metal roofing is a more "green" alternative, lasts as long as petroleum based asphalt shingles, and the installation costs are lower. He noted that this is seasonal work, and that might be a consideration in choosing a company for the work.

The Board requested additional information. The resolution was tabled for another meeting. The TB may hold a special meeting to consider this time-sensitive request. The next regular TB meeting is not until September 14.

## **Security Cameras for Highway Barns**

Shawley presented information regarding the need for outside security cameras at the Highway facility. There was a recent, late night incident of concern. While there was no noticeable theft or damage, a security system is warranted. There are currently motion detectors, but the system could use improvement. A preliminary bid of \$2,800 was received from SCT. The Highway Department will seek comparison bids and present more information to the TB.

## **Van Woert Road - Recommendation to Abandon**

CJ Randall reported that there is a Tompkins County trails group that is interested in mapping walking and recreational trails in Danby. Once Van Woert Road is officially deemed abandoned, should the property abutters wish to pursue it, the Van Woert trail may be added to that mapping. Randall reported that she would be happy to facilitate this. She informed property owners in attendance that they would be free to block the trail to vehicle traffic in any way they wish, if it is abandoned by the Town.

Randall reported that all of the property abutters were contacted by mail. A notice was also sent to the Town of Spencer. Clerk Goddard reported that no communication was received on this matter.

**RESOLUTION NO. 76 OF 2015 - NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE IN THE MATTER OF CONSENTING TO THE FILING, BY THE HIGHWAY SUPERINTENDENT, TOWN OF DANBY, NEW YORK, OF A CERTIFICATE DEEMING VAN WOERT ROAD (FORMERLY BROCK HILL ROAD) TO BE ABANDONED**

**Whereas**, Article 8, Section 205, Paragraph 1 of the New York State Highway Law relating to Town Highways, provides that every highway that shall not have been traveled or used as a highway for six (6) years shall cease to be a highway, and that the Town Highway Superintendent, with written consent of a majority of the Town Board, shall file, and cause to be recorded in the Town Clerk's office of the Town a written description, signed by him, and by said Town Board, of each highway and public right of way so abandoned, and the same shall thereupon be discontinued, and

**Whereas**, the highway right of way under consideration is described as follows: Commencing at a point 2680 feet northerly as measured along the centerline of Van Woert Road from the centerline of its intersection with Hart Road in the Town of Spencer; thence running northerly along an old road bed which road is not maintained, formerly known as Van Woert Road (or as Brock Hill Road), which old road bed runs along the western boundary of Tax Parcels 31.-1-12 and 31.-1-9.11, to the intersection of said old road bed with the minimum maintenance portion of Larue Road, and

**Whereas**, the Town of Danby Town Board has determined that such matter is ministerial pursuant to the State Environmental Quality Review Act and pursuant to Town of Danby Local Law No. 2 of 1991 "Providing for Environmental Review of Actions in the Town of Danby," but is reviewing the matter as an Unlisted Action, with the Town Board acting as Lead Agency in environmental review and with no other involved agencies, and

**Whereas**, the Town of Danby Town Board has reviewed the draft Short Environmental Assessment Form and recommendation as prepared by the Town Planner;

**Therefore, now be it**

**Resolved**, that the Town Board of the Town of Danby, acting as Lead Agency in environmental review of this matter, which has been treated as an Unlisted Action, accepts the draft Short Environmental Assessment Form and recommendation as presented, and makes a negative determination of environmental significance for this action.

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

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

**RESOLUTION NO. 77 OF 2015 - CONSENTING TO THE FILING, BY THE HIGHWAY SUPERINTENDENT, TOWN OF DANBY, NEW YORK, OF A CERTIFICATE DEEMING VAN WOERT ROAD (FORMERLY BROCK HILL ROAD) TO BE ABANDONED**

**Whereas**, Article 8, Section 205, Paragraph 1 of the New York State Highway Law relating to Town Highways, provides that every highway that shall not have been traveled or used as a highway for six (6) years shall cease to be a highway, and that the Town Highway Superintendent, with written consent of a majority of the Town Board, shall file, and cause to be recorded in the Town Clerk's office of the Town a written description, signed by him, and by said Town Board, of each highway and public right of way so abandoned, and the same shall thereupon be discontinued; and

**Whereas**, the Town of Danby Highway Superintendent has determined that the highway right of way described herein has not been opened and worked, or traveled or used as a highway in six (6) years, and that the Town Highway Department has not maintained such highway in six (6) years; and

**Whereas**, the Town of Danby Town Board, on July 13, 2015 has reviewed the draft written description of said highway right of way deemed abandoned as presented by the Town Planner, with such highway right of way more particularly described as follows:

Commencing at a point 2680 feet northerly as measured along the centerline of Van Woert Road from the centerline of its intersection with Hart Road in the Town of Spencer; thence running northerly along an old road bed which road is not maintained, formerly known as Van Woert Road (or as Brock Hill Road), which old road bed runs along the western boundary of Tax Parcels 31.-1-12 and 31.-1-9.11, to the intersection of said old road bed with the minimum maintenance portion of Larue Road; and

**Whereas**, for the record, "the former road deemed abandoned is shown as an unimproved Town right of way on the 1978 Official Map of the Town of Danby." So it has not been travelled or worked as a Town highway since well before 1978, if ever at all. The properties, which adjoin the abandoned road already, have access on year-round or minimum maintenance roads. On June 11, 2007, the Danby Town Board renamed the short part of year round road to the south of the abandoned road from Brock Hill Road to Van Woert Road; and

Whereas, that the Town Board of the Town of Danby, acting as Lead Agency in environmental review of this matter, which has been treated as an Unlisted Action, accepts the draft Short Environmental Assessment Form and recommendation as presented, and makes a negative determination of environmental significance for this action;

**Therefore now be it**

**Resolved**, that the Town of Danby Town Board hereby confirms and accepts the determination of the Town of Danby Highway Superintendent that said highway right of way has not been opened and worked, or traveled or used as a highway in six (6) years, and that the Town Highway Department has not maintained such highway in six (6) years; and be it

**Further Resolved**, that the Town of Danby Highway Superintendent shall file and cause to be recorded in the Town Clerk's office of the Town of Danby said written description of said highway right of way deemed abandoned.

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

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

### **Appoint to County Environmental Management Council**

Clerk Goddard informed the Board that Bill Evans was contacted regarding his interest in being appointed as an official representative to the County EMC for the Town of Danby. Evans expressed his interest and willingness. He has already begun attending meetings.

#### **RESOLUTION NO. 78 OF 2015 - APPOINT COUNTY EMC REPRESENTATIVE**

**Resolved**, that the Town Board of the Town of Danby appoints Bill Evans as Town of Danby representative to the Tompkins County Environmental Management Council for the year 2015.

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

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

### **Legislator's Report**

Dan Klein reported on several topics. He reminded the Board that he is a County Legislative Representative to the EMC and that he will also report on actions and activities of that groups.

Klein reported that, while there has not been an official response from NYS regarding the County-wide Tax Cap Efficiency Plan, it is rumored that the State will not accept this as a valid plan for municipalities.

As part of a process for evaluating projects for water management and erosion control, a ditch management plan for West Miller Road (in the area by the bridge on West Miller Road) will be voted on soon. West Miller Road is a County road.

Klein reported that a law regarding the regulation of drone aviation is being considered by the Tompkins County Legislature. The Legislature is reviewing a similar law from Rockland County. Klein stated that the opinion of the Tompkins County Attorney is that such a law would be unconstitutional. Various firms are doing study/research. One of these will make a report on August 25.

## **Discussion with Code Officer Paul Hansen**

Code Officer, Paul Hansen responded to questions regarding the status of construction on the site where “Eagle Auto” received a special permit. Connors expressed concern that the building construction does not correspond to the design approved for an auto repair shop. Specifically, the auto entrances are on the opposite side from what was approved. This is a concern, as the approved building had an office/ waiting area on the south side of the building, in part as a sound buffer for the adjacent neighbor’s house. This and other mitigating factors have been changed. Hansen described the code review for the building that has taken place up to this time.

Information was shared that the planned use has changed, following the death of the main mechanic at the beginning of the year. The structure is now planned as a private garage. Hansen reported that Kuhns wished to hold onto the possibility of having an auto repair shop there sometime in the future. The Board expressed concern that, while there may not be intent to use as a business at this time, that may change in the future and the building, as currently being constructed, would not be appropriate.

Connors insisted that there be no auto repair in that location unless the building meets the conditions of the plans approved in the special permit. Hansen responded to these concerns and agreed that the structure must match the site plan should the building ever be used for a repair shop. Brenner suggested that official correspondence on this matter might be warranted.

There was a related discussion of allowed uses in Commercial Zone “C”, the legal rights attached to a special permit and how those may or may not be limited once a permit is issued, and the maintenance of the historical record for such permits and properties. Improvements to records management in the Code Office should improve future review of concerns and limitations related to a property. Hansen agreed to follow up and keep the Board informed.

Hansen reported on the status of enforcement regarding various violations infractions. Hansen outlined the legal process, outlined in Code procedures, of notification and communication with property owners on Route 96B and Hornbrook Road. There is particular concern with dumping and other violations in the areas of wetlands. To improve enforcement, he is working with the DEC on three properties.

## **PDZ10 Update**

Planner CJ Randall reported the status of a draft proposed Local Law amending allowed uses in the Planned Development Zone #10 located on Gunderman Road. Draft documents were distributed just prior to the August 10 TB meeting. In addition, Hall has submitted Part I of the environmental review and a traffic study. Randall presented a draft resolution to refer this, as a new project, to the Planning Board for review. Randall advised that this draft is substantially different from the previous draft law amending allowed uses.

Randall further outlined the procedures which will be required, should the Board opt to send the proposal to the PB for review. There would be Planning Board review, including a public hearing, resulting in a report to the Town Board. Randall would complete part II of the SEQR environmental review, establishing the Town Board as Lead Agency. The proposal would be sent to Tompkins County Planning for review. Finally, the Town Board would deliberate on all of this material. If the project continues to move forward at that time, the Board would then set a public hearing for citizen comment. Any and all of these steps are at the discretion of the TB.

Randall further noted that the process also considers any potential neighbor petition (such as the one submitted in the spring). If 20 percent of the surrounding neighbors sign on to a petition of concern, approval of a zoning amendment would require a supermajority vote of the Town Board.

Supervisor Dietrich outlined options available to the Board: to either decide that it does not wish to amend allowed uses and not to proceed any further, or to provide for further community review and send the proposal to the Planning Board.

Brenner cautioned petitioner David Hall that she sees several “red flags” in this proposal and has strong concerns. She expressed concern that key issues for neighbors regarding multiple allowed uses, truck traffic, and cumulative impacts are still present in the current proposal. In her view, the nature of the

uses are in conflict with a residential zone. She was concerned that directing the PB to review the proposal would be seen as giving “blessing” to the proposal. Randall reminded the Board that sending the proposal to the Planning Board does not obligate it to any action.

Connors described the previous activities at the Angelhart/Flax complex as multiple uses, related to clothing manufacture, in one building, and concluded that this was not substantially different from the current proposal. She supported continuing the vetting process for the current proposal and sending it to the PB for formal review.

Hall made a statement to the Board, expressing disappointment that the review process must start over as new to the Planning Board. He responded to concerns, saying that he did not view the changes to the proposal as that substantial. Hall reminded the Board that there are limits to the numbers of employees, the amount of truck traffic, and hours of operation. In Hall’s view, reprising Connors statement, the request is not for multiple uses but rather multiple tenants. Brenner disagreed with this assessment, offering a counter view that while any one of the proposed uses could be a good idea, all of them together are too much. She advised Hall that the Board must do due diligence, for example, in assessing the cumulative impacts of truck and vehicle traffic.

Supervisor Dietrich expressed the view that, while the Board could “just say no,” in fairness to all he thought it would be useful to send this to the PB for review in order to facilitate resident input. He added that the current draft was rewritten with objections and concerns in mind. Dietrich asked the Board for their views on how to proceed. Holahan and Miller expressed appreciation for the efforts leading to this point. They agreed that the discussion was helpful and that the vetting process should proceed.

The documents will be released to the public, including being posted on the Town web site, following the August 20 Planning Board meeting.

**RESOLUTION NO. 79 OF 2015 - REZONING REFERRAL TO PLANNING BOARD REGARDING A LOCAL LAW AMENDING AND SUPERSEDING LOCAL LAW NO. 1 OF 1997 AND LOCAL LAW NO. 1 OF 1996 TO REZONE CERTAIN LANDS HEREAFTER TO BE KNOWN AS PLANNED DEVELOPMENT ZONE 10**

**Whereas:** the Danby Town Board is considering a proposal to amend Planned Zone Development 10, formerly Angelheart Designs, to allow site and building improvements for the Summit Enterprise Center project, proposed to be located at 297-303 Danby Road, Town of Danby Tax Parcel No. 502200-9.1-9.12, JLF Holdings, owner and applicant, and

**Whereas:** According to Sections 604 and 800 of the Town of Danby Zoning Ordinance, the Town Board must request the Planning Board’s official report and recommendation,

**Therefore, now be it**

**Resolved,** that the Town Board of the Town of Danby hereby refers draft Planned Development Zone 10 (“A Local Law Amending And Superseding Local Law No. 1 Of 1997 And Local Law No. 1 Of 1996 To Rezone Certain Lands Hereafter To Be Known As Planned Development Zone 10”) to the Danby Planning Board to review the Amendment and provide the Town Board with its official recommendations.

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

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

## **Aquifer Protection Ordinance/Water Resources Update**

A short report was given, informing the Board that two public information meetings are set for October. A final draft of the Aquifer Protection Ordinance and related zoning changes is being worked on by the Town Attorney and Steve Winkley (of Rural NY Water Resources). A two-part series has been scheduled on water resources research and protection options. The programs will be presented by Steven Winkley on October 8 and 29.

## **Correspondence**

Susan Beeners requested that the following communication be read into the record. "To Town Board: I ask that you consider this as a request and take action. I have inquired about this since November, with no responses from the web committee. Please add links to the Danby Area News on your Town website. Such links could be on the home page at News, on the News page, and with local newspapers on the Links page. The DAN is funded by the Town, and for decades has been a real community service."

Clerk Goddard reported that communication has been received from the Tompkins County Department of Transportation stating that the process for reviewing speed reduction on the dirt portion of Comfort Road is moving forward.

## **Adjourn**

The meeting was adjourned at 9:16 pm.

---

Pamela Goddard, Town Clerk