

**Danby Town Board
Minutes of Regular Meeting
January 18, 2016
DRAFT**

Present:

Supervisor: Ric Dietrich
Councilpersons: Rebecca Brenner, Leslie Connors, Jim Holahan, Jack Miller (arrived after voting)

Others Present:

Town Clerk Pamela Goddard
Planner CJ Randall
Public Aaron Becker, Al Becker, Pat Woodsorth, Charles Tilton, Ted Crane, Ronda Roaring, David Hall, Frank Darrow, Sarah Elbert

Regular Meeting Opened at 7:07pm

Privilege of the Floor

Pat Woodworth spoke in opposition to the new proposal for PDZ10 on Gunderman Road. In her view, the proposal is not consistent with the Danby Comprehensive Plan. Her various objections relate to where the development is located; that the size, scope, and diversity of the businesses proposed for this location are better suited for a location along a main road as stated in the Comprehensive Plan. Potential negative impacts, particularly related to traffic impacts, are much worse in the new proposal than in the current regulations for PDZ10.

Ted Melchen spoke to clarify his vote on the Planning Board regarding approval of the current proposal for PDZ10 on Gunderman Road. He characterized his “yes” vote as “ambivalent” and stated that he voted Yes in order to move the proposal to the Town Board. Melchen stated that he recognizes the importance of neighbor concerns, particularly regarding water resources.

Frank Darrow spoke regarding proposed changes to PDZ10 and stated that he looked forward to a full report of the current status of the proposal. While he is “intensely interested” in this issue, he stated a firm belief that the activities proposed are inappropriate at the particular location on Gunderman Road.

David Hall, owner of the Gunderman Road property, presented and read a written statement. He asserted that, “What I bring is not a request but an idea,” and asked that the Town consider his idea and whether it can be made a reality with, “sound impact protections for the neighborhood.” He stated that he is, “not asking the Board approve a specific proposal but rather I am asking you to determine what is a reasonable means to capitalize on this opportunity, with appropriate built-in mitigation.”

Ted Crane spoke in opposition to the proposal for PDZ10 on Gunderman Road in its current form. He supported the comments made by Woodworth and noting that the proposed plan greatly expands the permitted uses.

Crane additionally expressed concerns about the process for making appointments during the January 11 TB meeting. He stated that, because of multiple conversations by both the attendees and at the Board table, he could not hear what was being discussed at the table and so did not know what was taking place, and that the written agenda only included a discussion, not action. Crane noted that there has not been a deadline set for applications of interest in appointments and stated that this sets a bad precedent. Crane asked whether the Board intended to act on any committee appointments at this meeting? The Board indicated that it did not intend to take actions at this time.

Ronda Roaring read excerpts from NYS Municipal Law regarding the creation and management of Water Districts. She stated that she would like to see a Comp Plan Study for West Danby Water District. She further asked about compensation for the Water District advisory board.

Approve Minutes

RESOLUTION NO. 24 OF 2016 - APPROVE MINUTES

Resolved, That the Town Board of the Town of Danby approves the minutes of December 14, 21, and 28, 2015.

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

In Favor: Brenner, Connors, Holahan, Dietrich

Approval of Letter Regarding Municipal Email Use

Clerk Goddard presented letter, reviewed and approved by Communications Committee Chair Jim Holahan. The letter was approved and signed by the Town Board. Copies will be made and sent to all members of appointed boards.

Legislator's Report

Dan Klein reported on two items. An improvement project for Station Road will take place at the corner of Station and Brown Roads in West Danby. The project targets 2,000 feet of stream for improvements related to flooding and fish habitats. Two culverts will be replaced, stream stabilization will be added with native plants, and the stream channel will be realigned. Funding for this project will come from the NYS DEC. There were questions as to what extent the road will be closed and a schedule for when work will be done.

Klein reported that the Federal Department of Justice will undertake a review of the January 2015 SWAT incident on Hornbrook Road. The Ithaca Police Chief and Tompkins County Sheriff have voiced their agreement to this review. It is anticipated that review will take approx. three months and may be complete by June 2016.

Planning Report - Gunderman Road Review

CJ Randall reported on the current status of proposed changes to Gunderman Road PDZ10. She provided a short synopsis of the background and of the project. This is an applicant-directed proposal and so is a discretionary consideration on the part of the Town Board. The Board has the option to go further with project review, based on review and recommendation by the Planning Board, or to stop consideration at this time. Should the Board decide to proceed further, the Board will need to adopt a resolution of Intent to Declare Lead Agency for full Environmental Review. The current draft of the proposal is available on the Danby web site.

Randall provided a timeline of review and actions, should the Board decide to continue. Randall described some of the process and information gathered during the Environment Review of the proposal. All related documents will be made public on the Town web site and through the Danby Planning Office. Feedback from interested agencies, such as the Department of Health and Tompkins County Planning, must be received in a specified time period. A Public Hearing must be held before the Town Board can vote on the proposal.

Brenner and other TB members asked procedural questions, for clarification. Brenner asked to clarify that the resolution on the table is not an approval or denial of the proposal but only an indication that the Board agrees to continue consideration and conduct a full Environmental Review. This was confirmed by Randall. There were questions as to what level of changes can be made to the proposal at this time and moving forward. Is it possible to change the project description or remove parts of the proposal during this process? What are the limitations to mitigations vs. alternatives to the current draft? Randall noted that this is not site plan review. The Town Board will be writing a Legislative Amendment to the existing language of the Planned Development Zone. As such, the Board can write the Zoning as it thinks best. The final language of any Zoning Amendment can be any or all of what was recommended by the Planning Board. The Planning Board recommendation is not binding on final decisions by the Town Board.

RESOLUTION NO. 25 OF 2016 - INTENT TO DECLARE LEAD AGENCY

Whereas, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Section IX of Local Law 2 of 1991 Environmental Review of Actions in the Town of Danby, require that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

Whereas, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action, and

Whereas, the Applicant has proposed rezoning of Planned Development Zone 10 (formerly known as Angelheart Design), located at 279-303 Gunderman Road, from the currently permitted commercial use (clothing manufacturer) under Local Law 1 of 1997 to a mixed-use business incubator with a 8,000 +/- sq. ft. future addition, JLF Holdings, LLC, Owner, David Hall, Applicant, and

Whereas, this is a Type I Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under the State Environmental Quality Review Act, both of which require environmental review, and

Whereas, this is a rezoning action under Section 800 of the Zoning Ordinance of the Town of Danby, amended through June 10, 2013, Applications for Rezoning, and

Whereas, the Zoning Ordinance of the Town of Danby, amended through June 10, 2013, requires an official recommendation from the Planning Board, and the Planning Board passed a resolution recommending the rezoning with modifications on December 17, 2015, and

Whereas, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies, and

Whereas, the Town Board is the local agency with primary responsibility for approving the action,

Now Therefore Be it

Resolved, that the Town Board of the Town of Danby hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Town Board intends to declare itself Lead Agency for purposes of SEQRA for this Type I and Unlisted Action, unless objection to such designation is received within thirty (30) days.

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

In Favor: Brenner, Connors, Holahan, Dietrich

There was further discussion between the Board and Planner Randall. Holahan asked how long SEQRA Environmental review can be expected to take. Randall advised that this process can take 60 days for preparation of an Environmental Impact Statement and then additional time for study review. A long, complicated process is not unusual for a Planned Development Zone of this type. Applicant Hall asked for clarification regarding studies that have already been done. Randall stated that these are still valid. The SEQRA process is an opportunity for the Board to gather additional information about these studies.

Hall asked when a public hearing is likely to be scheduled. Randall noted that a Public Hearing can be held concurrent with the SEQRA review process. Goddard asked procedural questions regarding scheduling a hearing. Brenner stated that she would prefer to have SEQRA completed prior to scheduling a public hearing. It was noted that this could take several months.

Planning Report - Gunderman Road Review

CJ Randall reported on several Planning activities. She assisted the Conservation Advisory Council with mailing letters to 31 land owners with large land holdings in the Town of Danby. The CAC has begun a land inventory on a property for a possible easement. The Trails Network is building a web site and is gathering feedback on the same. The Development Application procedure is now in place and being used to help applicants.

Randall presented a proposed work plan for 2016 with a list of projects and programs in the areas of Core Planning, update of the Comprehensive Plan, Area Planning based on sections of the Sustainable Hamlet Revitalization Plan, Land Use, and Environmental Planning. This work plan will be presented to the Planning Board during its January meeting. She invited the Board to make any suggestions to her overall plan.

Randall gave an update of County Tourism Grant Funding, related to Danby Fun Day. She is working with others to present a good 2016 Fun Day. It was advised that Randall work closely with the Fire District on a Tourism Grant application for this.

Goddard and Dietrich gave an update on a municipal contract and contribution to the Stormwater Coalition. Dietrich urged the Board to support this effort. One contract is an agreement to use services with a per hour cost. A second contract is to join the Stormwater Coalition. There was no objection to Supervisor Dietrich signing the contract for use of services. Code Officer Hansen will provide additional information regarding membership in the Stormwater Coalition at an upcoming meeting.

Committee Appointments - Discussion

There was a discussion of the application process for appointments to municipal boards. Brenner suggested that descriptions of activities, responsibilities, and time commitments for the Planning Board, Board of Zoning Appeals, and Conservation Advisory Council be available on the Boards and Committee pages of the Town of Danby website. Dietrich suggested that board chairs be contacted to provide content for these descriptions. There was support for this suggestion. Brenner will work with Chairs to develop position descriptions.

Clerk Goddard circulated applications which have been received. She believed that other applications are pending. Both the Planning Board and BZA are currently lacking one member.

There was agreement to defer appointments to the Planning Board and Board of Zoning Appeals at this time, in order to allow the opportunity for more applications of interest. The Board made a deadline of March 1 for additional applications. Town Board members will work with other board chairs to encourage recruitment of applicants. Notice of this can be posted on the Danby Web Site.

Jack Miller arrived at 8:00pm

Web Site Content - Discussion

There was a brief discussion of a suggestion from Brenner that the Town's policies and procedures be posted on the Danby web site. There was some discussion of whether all policies need to be posted or whether some are "in house" (eg: the Credit Card Policy) and are not appropriate as web site content. Dietrich and Goddard noted that there is a larger issue of the need to keep municipal policies and procedures updated. Update on these policies is a work in progress. Dietrich advised the Board that question of updates in policies and procedures, and creating a list of the same, will be included in agenda at the next staff meeting. Connors noted that the question of what to post on the web site should be discussed with Communications Committee.

Susan Beeners Memorial - Discussion

Information regarding February 20 memorial gathering for departed Code/Planner, Susan Beeners. Beeners passed away January 8. Members of the family and community have planned a memorial. The date set is Saturday, February 20, 2-4pm, at the Danby Town Hall. Goddard and Dietrich provided details about this event. Information about this will be published in the Danby Area News and in Gay Huddle's "Talk of the Towns" column in the Ithaca Journal.

Adjourn

The meeting was adjourned at 8:22 pm.

Pamela Goddard, Town Clerk