

**Danby Town Board**  
**Minutes of Public Hearing and Regular Meeting**  
**June 19, 2017**

**Present:**

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

**Excused:**

Councilperson: Rebecca Brenner

**Others Present:**

Town Clerk	Pamela Goddard
Code and Planning	CJ Randall, Paul Hansen
Catholic Charities	Laurie Konwinski
Public	Ted Crane, Ronda Roaring, Ellen Walsh, Katharine Hunter, Scott Davis

**Public Hearing Reopened, Followed by Regular Meeting, at 7:03pm**

7:00 p.m., to hear all comments of interested persons related to considering adoption of Town of Danby Local Law X of 2017 "A Local Law Local Law to Amend the Zoning Ordinance Related to Solar Energy of the Town of Danby, New York."

This Zoning for Solar Energy Law is to "advance and protect the public health, safety, and welfare of the Town of Danby, in accordance with the Comprehensive Plan, including: 1. Taking advantage of a safe, abundant, renewable energy resource; 2. Decreasing the cost of energy to the owners of commercial and residential properties; and 3. Managing the safety and aesthetic issues related to installation of Solar Energy Systems."

**Solar Zoning Law Public Hearing**

Randall presented information regarding comments from Tompkins County Planning. A letter, outlining ten (10) recommended modifications to the Large Scale Solar Energy Systems Local Law, was distributed to the Town Board. These comments were received just a few hours prior to the Town Board meeting.

Randall shared her opinion that some of the recommended modifications had merit. Randall disagreed with a few of the ten recommended modifications. She noted that some of the concerns expressed by County Planning, regarding impacts to natural resources and water resources, may already be addressed in the current draft of the local law, as the LL references the Danby Stormwater Local Law in several places.

Randall pointed out that County Planning supports options that would be less restrictive to the development of large scale solar facilities. Randall noted that Tompkins County Planning is aggressive in supporting the maximization solar development with as few restrictions as possible.

Randall stated that she will need time to consult with County Planning in order to address these comments point by point. She recommended that the Board not act on the Local Law at this time.

Connors noted that, while these are strong suggestions, the Board could vote on this without meeting the County Planning Board's recommendations. A Supermajority would be needed for passage of the LL in that case. Dietrich noted that some of these recommendations have merit. The Board may choose to adopt some and not others. Miller asked for clarification of a recommendation related to visual impacts at sites with Distinctive Views, and whether there are only two such sites in Danby. Randall confirmed this. Miller voiced support for the recommended language related to visual impact.

Holahan suggested that there be clarification of what is meant by "primarily" in section 713 (1.d.) "Solar Energy Systems that produce electricity primarily for active farming or agricultural uses." He also suggested clarification in section 713 (4.a.) "Solar collection devices are limited to a maximum height of twenty (20) feet when the system is oriented at maximum tilt from horizontal" to be explicit that this is a maximum height of 20 from the ground, not 20 feet above a roof line.

Roaring raised objections to one of the stated purposes of the LL, “Decreasing the cost of energy to the owners of commercial and residential properties.” Roaring asserted that this will not decrease her energy costs and therefore, “The statement is a lie.” She said that she does not consider this to be of any benefit to her in any way. Randall and Town Board members responded. It was suggested to include the word “potential” in relation to decreased energy costs.

This Public Hearing remains open until the July 10 Danby Town Board meeting in order to address County Planning’s recommended modifications to the Solar Zoning LL. No action was taken at this time.

### **Catholic Charities Presentation**

Laurie Konwinski, representing Tompkins County Catholic Charities, made a presentation regarding services available to Danby residents. Catholic Charities is currently celebrating 20 years of service in the region, with a mission to serve all people in need. Konwinski emphasized that this agency serves everybody, regardless of religious affiliation. The Catholic Charity offices are at 324 West Buffalo Street in Ithaca, on the same block as the BJM Elementary School.

Services available include: Emergency Financial Assistance—Direct Service needs, including clothing, household items, and personal needs products not available through SNAP. Housing and transportation issues assistance, including a security deposit program, assistance with utility shut-offs, transportation for filling prescriptions, bus passes/gasoline vouchers for assistance with transportation to job interviews/first day at work, semester bus passes for income eligible education at TC3. They work closely with the Rescue Mission/Homelessness services, including transitional services through a four bedroom facility for single women. Disability assistance, helping people move toward self-sufficiency. Family Empowerment services, parenting assistance/education programs including a “Fatherhood Support Group.” Immigrant support services, including family reunification, access to services. Catholic Charities is a State Department approved refugee resettlement agency. A Justice and Peace ministry, including activities related to environmental sustainability.

Konwinski invited the Board to upcoming events, in celebration of 20 years of service: July 18, Open House, open to the public, and October 21, a “Poverty Simulation” role playing activity, giving people a taste of the needs of those served, will take place at St. Catherine of Sienna church parish hall in Cayuga Heights. Konwinski distributed additional information to the Board.

### **Speed Limit Reduction Requests**

Clerk Goddard presented two resolutions to the Town Board for consideration. The Deputy Highway Superintendent confirmed that passing such resolutions is the first step in asking the NYS Dept. of Transportation for a road speed limit review. Supporting information, in the form of traffic accident reports, has been gathered. This information will be part of the packet of material sent to the NYS DoT.

Connors suggested that the resolutions include the direction the road travels in the section under speed limit review. There was a discussion of what direction South Danby Road travels in the area of concern. It was clarified that South Danby Road travels north/north east in the area of concern.

Dietrich reported several concerns related to improvements to South Danby Road, and the fact that this has become a through road to Spencer and points south, which may increase the number and severity of accidents in this section of the road.

There was no other discussion on these resolutions.

#### **RESOLUTION NO. 48 OF 2017 - SPEED LIMIT REDUCTION, TRAFFIC SAFETY MEASURES - ROUTE 96B**

**Whereas**, Route 96B in the Central Hamlet of Danby has a speed limit of 40mph up to the intersection of East and West Miller Roads; and

**Whereas**, the intersection of East/West Miller Roads and Route 96b is a known dangerous intersection with poor sight lines resulting in numerous traffic accidents; and

**Whereas**, drivers traveling south on Route 96b consistently do not slow down in a reasonable amount of time resulting in a high incidence of dangerous passing, particularly near intersections of other roads in residential areas;

#### **Now, Therefore, It Is**

**Resolved**, that the Town Board of the Town of Danby directs its staff and its Highway Department to take the necessary steps for initiating NYS DoT review of speed limit and traffic safety measures, in particular to ask the NYS DoT to extend the current 40mph zone several hundred feet North of the East/West Miller Road intersection, and it is

**Further Resolved**, that the Town Board of the Town of Danby directs its staff and its Highway Department to take the necessary steps for initiating a request to the NYS DoT that the center line on Route 96b be repainted as a double yellow line with no passing zone for the full extent of the 40mph zone through the Danby Hamlet.

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

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

#### **RESOLUTION NO. 49 OF 2017 – SPEED LIMIT REDUCTION, SOUTH DANBY ROAD**

**Whereas**, starting from the intersection of Travor and Hill Road traveling North on South Danby Road the current posted speed limit is 45mph; and

**Whereas**, at a location quarter mile North/East of this intersection there is a sharp curve with numerous accident reports, and there are many additional accidents going off the road that are not reported; and

**Whereas**, there are other contributing factors that impact the safety of drivers and pedestrians at this location, including but not limited to a trailer park entrance and exit, a school bus stop, the only TCAT bus park and ride stop where the bus has to back up to turn around, no sidewalk for pedestrians using this public transit stop, the density of the neighborhood, and increased traffic flow in and out of Tompkins County as South Danby Road is a connector road between Routes 96 and 96b through Spencer, West Danby, and Danby;

#### **Now, Therefore, It Is**

**Resolved**, that the Town Board of the Town of Danby directs its staff and its Highway Department to take the necessary steps for initiating NYS DoT review of speed limit reduction to 25 mph from this intersection all the way to Route 96b, including proper signage to alert traffic to the approach of this dangerous curve and increased pedestrian use of the road.

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

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

### **Zoning Law Updates**

Randall presented the need, and a proposed course of action, to review and revise the Town of Danby Zoning Code. Randall proposed a complete overhaul of the Town of Danby Zoning Ordinance, in order to remove several ambiguities. Several areas of inconsistency have developed as a result of changes which have happened over time. Randall would like to move forward with this in conjunction with preparation of the Town of Danby Natural Resources Inventory.

Randall recommended that the Zoning revisions be done prior to a review and revision of the Town of Danby Comprehensive Plan. In Randall's view, the Comp Plan is in good shape following a review and revision in 2011. Randall reported that she has the support of the Planning Board and staff for Zoning Ordinance review and revision. Randall anticipated that Zoning review would happen over the Fall, revisions start in the Winter, and that this might be ready for action next Spring.

Dietrich shared his perspective that this a good time to review and make a full revision of the Town of Danby Zoning Ordinance. He noted that there were repercussions the last time there were major Zoning revision. However, Dietrich thought that this was a good year for taking on this project. Town Board support will be important for this process.

Randall stated that she would like to move away from the “nesting” of uses in different zones. She also stated that there have been problems with Special Permits, resulting in unintended consequences. Zoning clarification will also be helpful for the Code Enforcement Officer. Several problems have been made clear in the light of recent project reviews before the Planning Board and Board of Zoning Appeals. Zoning clarity would be better than needing to have many projects go to the BZA for variances.

Connors suggested having a series of Public Information sessions with good presenters, so that residents have a better understanding of the issues and needs in Town of Danby Zoning. Holahan and Dietrich both voiced support for the Zoning review process.

### **NYSERDA Clean Energy Communities Grant proposal**

Randall reported on a “Clean Energy Communities” grant application meeting she attended in the previous week. With the help of Holahan and Brenner, the Town is almost ready to submit a grant proposal under this program. Certification as a “Clean Energy Community” should be awarded soon. This makes Danby eligible for a large (\$100,000), non-matching funds grant.

A top priority seems to be remediation of the Highway Biomass Boiler facility. Research is underway to determine whether a ground source heat system would be efficient and effective there.

### **Water Quality/Consolidated Funding Application update**

Randall gave an update on the project at Brown Road. The feasibility study has been complete, with strategies and potential costs. At least two possible remediation plans have been evaluated and suggested. Two engineering firms are working to design a “hybrid” proposal.

Randall will have resolutions in support of this program for Board consideration in July. The funding application is due July 20. This will be an inter-municipal project with the Town of Newfield.

### **Code/Planning Report**

Randall reported on activities of the Planning Board. A minor subdivision at 552 Comfort Road was approved. The Petrovich standard subdivision on West Miller Road is still pending.

An intermunicipal grant through the State Archives and Tompkins County “TSSERR” electronic records program was awarded. This grant provides for the scanning of large scale maps. Several code and zoning maps in the Danby records vault have been identified for scanning through this project.

A list of potential municipal training topics, generated by TCCOG, was distributed to the Board. Randall asked the Board to complete this questionnaire and return it to her.

Dietrich directed the Board to contact Code Officer Hansen for a list of current actions related to violations and the status of remediation. On another topic, Dietrich reported that the Danby Community Park Association is looking for financial support from the Town. However, there needs to be a proper contract or Memorandum of Understanding between the Town and the DCPA which lists services and benefits to the Town in order to justify the expenditure. More information is needed.

### **Voucher Review**

Voucher #111 was reviewed and accepted by the TB, as per need from the Warrant review of the June 12 Town Board meeting. The warrant total amount does not change.

### **Adjournment**

The meeting was adjourned at 8:17 pm.

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Pamela Goddard, Town Clerk