

**Danby Town Board
Minutes of Regular Meeting
September 17, 2018**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Planning CJ Randall
Public Ted Crane, Bruce Richards, Elizabeth Lawrence, Ronda Roaring,
Pat Woodworth, Charles Tilton, Alex Pfeifer

Regular Meeting Opened at 7:05 pm

Union Agreement

Supervisor Dietrich gave an update on current negotiations with the CSEA union (covering workers in the Highway Department). This year, the Town took the initiative to present a first offer to the union. This includes a 2% pay increase per year for the next three years, an increase in the clothing allowance, and dental coverage (The dental insurance had already been initiated.) Dietrich reported that the union has expressed acceptance of this proposal.

RESOLUTION NO. 59 OF 2018 - APPROVAL OF TENTATIVE AGREEMENT - CSEA UNION COLLECTIVE BARGAIN AGREEMENT

Resolved, That the Town Board of the Town of Danby approves the draft, tentatively approved, Collective Bargain Agreement between the CSEA Union and the Town of Danby, as noted and negotiated, and
Further Resolved, that the Board authorizes the Town Supervisor to sign the agreement on behalf of the Town, and
Further Resolved, that this approval allows for minor adjustments and execution upon the assent of the Town Supervisor and Town Highway Superintendent, and
Further Resolved, that this agreement only becomes binding upon the Town of Danby once it is executed by all parties, including each representative of the CSEA and the Town.

**Moved by Holahan, Second by Connors. The motion passed.
In Favor: Connors Holahan, Miller, Ulinski, Dietrich**

White Hawk Planned Development Zone Updates

CJ Randall made a report on proposed amendments to the White Hawk PDZ. There are several concerns that need addressing. An engineer's survey, showing potential dwelling units in the cluster development, was accidentally filed as a subdivision by Tompkins County Assessment Department. County Assessment is now reconsolidating all of the parcels into one parcel.

White Hawk Ecovillage is now run by Seven Circles LLC, an ownership change since the PDZ was established in 2007. Aspects of the PDZ have been tied to one specific site plan. This has been limiting and onerous to White Hawk. Randall presented a first draft of a Local Law to correct that mistake and to address the needs and concerns of the current LLC. Development at White Hawk has been on hold until these concerns are addressed. The proposed amendments to the White Hawk PDZ would move certain uses to site plan review under the Planning Board.

Randall noted energy related questions and concerns. White Hawk would like to see allotments for wind and solar energy systems. It is not clear whether large, utility scale wind systems are feasible at this location. Small scale wind and solar are already included in the allowed uses for the PDZ. The ecovillage is also interested in professional offices in the residences, neighborhood retail with a potential bakery and/or restaurant. Randall also noted that, as currently written, there are no lot coverage limitations and no

yard requirements on the potential buildout. Seven Circles LLC is agreeable to lot limitations in return for expanded allowed uses through site plan review.

Randall encouraged the Board to read through and review the draft Local Law to replace the PDZ definition, and to direct comments to her in the next month. A proposed time schedule for consideration of adoption was distributed to the Board, with further review in October and a potential public hearing in November.

The action before the TB at this time was a resolution declaring lead agency for environmental review of the rezoning proposal.

RESOLUTION NO. 60 OF 2018 - DECLARATION OF LEAD AGENCY, A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF DANBY AMENDING LOCAL LAW NO. 3 OF 2007 TO ESTABLISH PLANNED DEVELOPMENT ZONE 19 FOR "WHITE HAWK ECOVILLAGE"

Whereas, an Application has been submitted for proposed rezoning of the existing Planned Development Zone 19, tax parcel numbers 7.-1-68 and 7.1-1-1 through-32 by Greg Nelson and Mark Pruce, Applicants, on behalf of Seven Circles, LLC, Owner; and

Whereas, this is a Type I Action under both the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; 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 funding or carrying out the action;

Now Therefore, be it

Resolved, that the Town of Danby Town Board does hereby declare itself Lead Agency for the environmental review for the action of Rezoning approval for Town of Danby Tax Parcel Nos. 7.-1-68 and 7.1-1-1 through-32 by Greg Nelson and Mark Pruce, Applicants on behalf of Seven Circles, LLC.

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

In Favor: Connors Holahan, Miller, Ulinski, Dietrich

Conservation Easement Adoption Process

Ulinski opened a discussion regarding whether a public hearing should be held as part of the process of the Town of Danby accepting a deed of conservation easement. This was both particularly about a specific parcel and generally about future easements.

Ulinski reported that the Conservation Advisory Council is nearing completion of negotiations on a Conservation Easement. He anticipated that the CAC would make a formal recommendation at its next meeting. The Advisory Council must make a written recommendation to the TB, as part of the process of the TB's consideration of acceptance of a deed of Conservation Easement.

Ulinski reported that the Town Attorney had advised that a Public Hearing, prior to adoption is not a legal requirement. It is, however, common practice in many municipalities and is considered a good idea. the Town Attorney's opinion was that this could be a good idea for both the Town and the property owner.

Ulinski asked for guidance from the TB as to whether public hearings should be part of the Danby Conservation Easement process. Clerk Goddard noted that the precedent, set by the previous easements accepted by the Town, has been to have a public hearing. There was a discussion as to whether it was necessary and/or a good idea in the case of this specific CE. Ulinski's opinion was that it might not be a good idea in this case, as the landowner would prefer there not be a public hearing. Supervisor Dietrich noted that other landowners might prefer a hearing and that perhaps this should be decided on a case by case basis. Planner Randall noted that this type of action does not require SEQR review.

Ulinski suggested taking the question back to the CAC, for a determination as to a standard procedure for acceptance of deeds of conservation easement.

Proposed Schedule of Zoning Amendments

CJ Randall made a report on proposed amendments to the Town of Danby Zoning Code. There are several different amendments that will be brought to the TB before the end of 2018. The first to be considered are amendments to clarify and standardize current conflicting sections related to property setbacks and accessory uses allowed in different zones in Danby. These are the same “zoning tweaks” described by Hansen at the previous TB meeting.

Randall provided further information on a proposed three tiered approach to changes related to timber harvest in Danby. First, Randall is suggesting minor zoning amendments clarifying this activity. This is to include a required notification system and specifying some locations (such as steep slopes) where timber harvest is not appropriate. Second, amendments to Danby’s Road Use Law related to logging traffic and potential road damage. Third, amendments to Danby’s Stormwater Law related to potential negative impacts related to timber harvest, clarifying the activities that would require a storm water impact prevention plan (SWIP). It is hoped that all of these amendments will be ready for TB review by December 2018.

Randall reported that the PB is reviewing use permits and is undertaking a more complete “zoning audit.” The exact schedule of changes and amendments will be conducted at a pace appropriate for the Planning work load.

Information was shared on a related topic of a planned DEC tour of the Danby State Forest. There will also be a Tompkins County Soil and Water training related to best practices for land owners. Matt Ulinski will be making a presentation as part of this training. A date had not yet been set for the Soil and Water training, but it is anticipated to take place in October.

Planning Report

A Planning report for the month of August was given by CJ Randall. She informed the Board that the CAC will be changing its meeting date from the fourth Monday to the second Tuesday of each month. This will facilitate its review and input on proposals (such as subdivision plans) coming before the Planning Board. There may be occasional Tuesdays when its meeting date is superseded by court requirements.

The Brown Road stabilization project is moving into the design stage. The engineering plan is to have a more gradual step down from Bruce Hill Road to Brown Road. The US Fish and Wildlife Department has offered to assist with the permitting process, if they are able to review and comment on the design. The Town has also applied for funding from “Bridge NY” for this and other projects (including Gunderman Road, Jersey Hill Road, and Bruce Hill Road). Randall reported that US Fish and Wildlife would like to see the culvert replaced with one which is passable by aquatic wildlife. The Town agrees with this request, and is exploring ways to weave the various projects together. Bridge NY funding, if awarded, will save the Town quite a lot of money.

Preliminary plans have been drafted for the Highway Department wash bay. This wash bay is needed to house the waste water recycling system, funded through an extensive NYSERDA grant. The Town engineer has some questions and comments on this plan. The wash bay building is not funded by the grant, and will be paid for by the Town.

Randall reported the PB approval of Earth Rhythm day care, in the old “Oasis Dance Club” building. This day care has a connection and the support of the Waldorf School.

Work has begun on installation of the Electric Vehicle charging station. This will be installed and on-line by September 30.

Emergency Management Update

Ric Dietrich gave a brief update on inter department discussions taking place regarding emergency management in the Town of Danby. A meeting with the Fire District commissioners and other interested/involved persons will be scheduled this Fall.

Joint Board Meeting

There was a brief discussion of end of year meeting of the combined boards/advisory councils. The Board voiced support for this. The meeting is tentatively planned for late November or early December.

Adjournment

The meeting adjourned at 8:22 pm.

Pamela Goddard, Town Clerk