

**Danby Town Board  
Minutes of Public Hearing and Regular Meeting  
February 4, 2019, 7pm, Danby Town Hall**

**Present:**

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

**Others Present:**

Town Clerk	Pamela Goddard
Planning	CJ Randall
Bookkeeper	Laura Shawley
Highway	Jack Shawley
Justices	Garry Huddle, Theresa Klinger
Public	Ted Crane, Ronda Roaring, Bruce Richards, Susan Franklin, Greg Nelson, Mark Silver, Sarah Schnable, Steve Woinoski.

**Regular Meeting Opened at 7:02pm**

**Privilege of the Floor**

There were no comments under Privilege of the Floor.

**Continue Public Hearing**

PLEASE TAKE NOTICE that the Town Board of the Town of Danby will hold the following Public Hearing on Monday, JANUARY 14, 2017 at the Danby Town Hall, 1830 Danby Road (aka Route 96B): 7:00 p.m., to hear all comments of interested persons related to considering adoption of Town of Danby Local Law No. 1 of 2019 "A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF DANBY AMENDING LOCAL LAW NO. 3 OF 2007, PLANNED DEVELOPMENT ZONE 19, FOR 'WHITE HAWK ECOVILLAGE'"

This Zoning amendment corrects and clarifies the permitted principal uses in the existing Planned Development Zone 19 in order to match the Comprehensive Plan objectives of encouraging development in and near the Central Danby Hamlet. The White Hawk Ecovillage Planned Development Zone enables and guides development of a clustered mixed-use community which allows construction of 30 dwelling units and accessory uses along with a maximum of 15,000 gross square feet of non-residential uses and a maximum 5,000 square foot community center.

No written correspondence was received regarding this hearing.

Ted Crane expressed concern regarding singular vs plural wording in the allowed special uses and asked for clarification. In one place there seemed to be a single instance of an allowed use (restaurant or tavern) and in other places multiple instances of the same allowed use.

**Public Hearing Closed at 7:07**

**Consider Adoption of Local Law #1 of 2019, "A Local Law Amending the Zoning Ordinance of the Town of Danby Amending Local Law No. 3 of 2007, Planned Development Zone 19, For 'White Hawk EcoVillage'"**

Connors directed several questions to Planner Randall and the applicants from White Hawk EcoVillage. She asked whether the name in the title should be "White Hawk EcoVillage Community" as this is the formal name of the organization. Planner Randall advised that it is best practice to avoid reference to ownership in a zoning amendment. Connors asked for clarification regarding permitted accessory uses (Section 3e). Randall noted that non-residential permitted accessory uses are limited in number of square feet. Connors asked for a definition of "ancillary" in relation to permitted live

entertainment. Randall gave a definition of secondary, in support of a primary. Connors asked whether this means there is no allowed live music? Randall stated that the applicants were specific in not wanting to allow any ancillary live music in any case.

Dietrich asked for clarification regarding the question raised related to singular or plural allowed special uses, whether these are valid areas for correction. Randall stated that the idea was to allow a certain degree of flexibility in special use permitting. At the same time, there would be a clear limitation on the gross square footage allowed. She stated that the Planning Board and applicants found this agreeable. The limitations in this LL set a clear threshold for full buildout, where there had been none previously. Any such requests require site plan review through the Planning Board. There was discussion as to the approximate size of 15,000 square feet. Randall stated that this is about the size of a Rite-Aid store or a Chili's restaurant. Randall noted that "formula retail" in the form of fast food or drive through is not permitted, or desired, in this PDZ.

Ulinski asked whether portions of the property could be leased to an outside agency? Randall stated that they could. This would depend on the covenant and bylaws of the EcoVillage.

Connors asked whether there is a difference between building and structure height, and whether a sentence related to structure height was redundant? Both Randall and the applicants noted that structure could relate to something like a water tower, while buildings are generally residential. No change was made to the text of the law.

Connors asked a final question regarding conditions leading to potentially reverting the road/driveway to the Town. There was a discussion of the process, should White Hawk EcoVillage choose to ask the Town to take over the road. The applicants confirmed that the road was built to required specifications from the Highway and Fire Departments, and that the NYS Dept. of Transportation approved the bridge. There is no current request to have the Town take over the White Hawk road.

**RESOLUTION NO. 27 OF 2019 - TOWN OF DANBY LOCAL LAW NO. 1 OF 2019 – A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF DANBY AMENDING LOCAL LAW NO. 3 OF 2007, 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** 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**, the Town Board, being the local agency which has primary responsibility for approving the action, did on October 15, 2018 declare itself the Lead Agency for the environmental review; and

**Whereas** this action was determined to be a Type I Action under the Town of Danby Environmental Review of Actions Section V 1(a) and a Type I Action under the State Environmental Quality Review Act Section 617.4(b)(2), both of which require environmental review; and

**Whereas**, the Tompkins County Planning Department, pursuant to §239-l, -m, and -n of the New York State General Municipal Law determined the proposal has no negative inter-community, or county-wide impacts; and

**Whereas** this Board, acting as Lead Agency in environmental review, did on October 15, 2018 reviewed and accepted as adequate: a Full Environmental Assessment Form, Part 1 and Part 2, respectively, prepared by Lead Agency and Town Planning staff; and

**Whereas** a duly noticed public hearing was held on January 14, 2019 and any public comments were carefully considered by the Town Board;

**Now Therefore, be it**

**Resolved** the Town Board adopts this local law and this Local Law shall take effect immediately upon adoption by the Town Board of the Town of Danby and filing with the Secretary of State.

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

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

## **Warrants**

### **ABSTRACT #2 OF 2019:**

#### **GENERAL FUND**

#23-63 for a total of \$88,877.03

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

#### **HIGHWAY FUND**

#4-37 for a total \$189,799.95

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

## **Approve Minutes**

### **MOTION - APPROVE MINUTES**

Moved, That the Town Board of the Town of Danby approves the minutes of January 7 and 14, 2019.

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

## **Executive Session**

Supervisor Dietrich informed the Board that the Town Justices had asked for an executive session.

### **MOTION - ENTER EXECUTIVE SESSION**

Moved, that the Town Board of the Town of Danby enters executive session to discuss a personnel matter about a particular person.

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

### **OPEN EXECUTIVE SESSION AT 7:30**

### **CLOSE EXECUTIVE SESSION AT 7:55**

## **Change Court Clerk from Salaried to Hourly Pay**

There was a discussion regarding a Court request to change the method of payment for Court Clerks from salaried to hourly rate. Ulinski asked whether there needed to be an hourly limit on this position? Laura Shawley responded that this will be posted at a minimum of 12 hours per week. No maximum number of hours was mentioned. Justices Klinger requested that the resolution be worded in such a way that the pay increase is based on performance. This was agreed to.

### **RESOLUTION NO. 28 OF 2019 - CHANGE COURT CLERK POSITION FROM SALARY TO HOURLY**

**Resolved**, That the Town Board of the Town of Danby changes the position of Court Clerk from a salary position to an hourly position. The position's hourly status will begin in March of 2019. The hourly rate will be as follows: \$20.00 per hour for the first 90 days, \$22.00 per hour for the next 90 days, \$24.00 after this 180 day period. All stated salary increases are dependent on performance review.

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

## Highway Department Report

Bookkeeper Shawley made a report regarding moving the current offices in the Highway Department building from a small space to a larger, more suitable location. The move requires several areas of remodeling, including updating plumbing for a new bathroom, carpentry, and electrical work involved in creating much needed new offices. The current office will need only minor changes for use as the staff break room. These renovations require Board approval for spending funds. Shawley presented a resolution to this effect, for Board consideration. The requested \$17,000 will cover the whole project. Shawley estimated that the project will come in under the requested amount.

Holahan asked whether any of the improvements will increase energy efficiency. There is no need for additional insulation. New lighting may be somewhat more energy efficient.

Miller asked whether the upstairs offices need to be handicap accessible for staff and vendors. This is not a requirement at this time. The downstairs break room can be used for meetings with vendors. If there is a need for an accessible office for a future employee, this can be created downstairs.

Holahan asked whether this will effect security? Shawley reminded the Board that there is a full security system with ten cameras in place at the Highway Barns. These can be monitored from the upstairs offices. The security buzzer will be moved upstairs.

Supervisor Dietrich encouraged the Board to visit the Highway Department to see various improvements made over the past several years.

### **RESOLUTION NO. 29 OF 2019 - TO APPROVE FUNDING FOR OFFICE RENOVATION AT THE HIGHWAY BARN**

**Whereas** the Highway Department office staff have been dealing with cramped office space for many years. The need for organization is necessary for efficient work space;

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

**Resolved**, That the Town Board of the Town of Danby approves the amount of \$17,000 to be used from the General Fund fund balance to renovate this space to be used for office functions. This will include plumbing, electrical, flooring, office spacing, painting, etc.

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

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

## Planning Report

CJ Randall and Jack Shawley reported on Bridge NY/Brown Road improvement updates. This is still in the design stage. A vegetation/tree plan, designed to help retain or restore the stream bed, is hoped to be in place by the end of February. It is hoped that the project will be completed by the end of October.

Culvert replacement projects on Gunderman, West Jersey, and Brown Roads are on hold pending review and "scoring" by NYS approved engineers. Installation is waiting for NYS approval. Some of these projects may take a long time (up to two years) to be completed. Therefore, the Bruce Hill improvement project is no longer connected to the Brown Road project. Jack Shawley advised that the Brown Road project can proceed, even though the culvert projects are delayed. Planning is to take on grant management for these projects.

The Housing Needs Assessment project agreement has been executed by the Town Supervisor. Randall has been attending mandatory webinars related to this project.

A Joint Boards Scoping meeting planned for February 21, to be held for one hour prior to the Planning Board meeting.

Randall informed the Board about money available for parks and trails. There are several areas in Danby, including Jennings Pond and Dotson Park, which may be able to apply for these funds. This is a relatively small amount, \$5,000 per municipality. It might be possible for municipalities to pool these funds for completion of the South Hill Recreation Way. Board members expressed interest in a playground area in Dotson Park. There are questions about liability insurance coverage for this. Project feasibility, for either the trail system or a park playground, will be researched.

Randall informed the Board that there have been applications for farm Cideries and Meaderies in Danby. The Town has received information about any possible restrictions that may be placed on these ventures. These applications need site plans, especially related to public access to buildings. Questions of adequate parking and whether there would be food service would need to be addressed. These measures are covered, in some ways, by the Agricultural Safety Act and NYS Department of Ag and Markets law. Supervisor Dietrich expressed concerns about zoning and location. Randall stressed that agricultural uses, especially in Towns that have “Right to Farm” laws, are exempt from SEQR.

There was a brief discussion regarding an “economic opportunity zone” map released by Tompkins County Planning. This map includes a small zone along the north side of Yapple Road on the Town of Ithaca border. Planner Randall noted that development there was unlikely, as this is already a residential area and not zoned for large scale development. Some of this land is in the Land Trust.

### **Highway Barns Energy Audit**

Holahan brought a proposal for a targeted energy audit in the amount of \$3,500, from Taitem Engineering. Holahan advised the Board that the Town needs to move forward on the energy audit of the Highway Barns, related to a wide-ranging NYSEDA grant. Holahan, who is also “Senior Energy Analyst” with Taitem Engineering, presented a proposal for a targeted energy audit. This proposal had first been transmitted to the Highway Department and Town Supervisor in January. The proposal includes information about a free energy audit, available to small not-for-profit businesses through NYSEDA. Details of the Taitem proposal were included in a January 16 letter to the Town Supervisor. This letter and proposal were distributed to the Board.

Holahan advised the Board that this energy audit would supplement the free audit offered by NYSEDA. He suggested that this be done when the weather is cold, to best determine where heat loss occurs. The cost of \$3,500 can be covered by the NYSEDA grant.

There was a discussion as to whether there was a need for multiple bids on this project, either through Town policy or through grant funding requirements. Bookkeeper Shawley recommended that at least two additional quotes be sought for these professional services. The Board agreed to wait for action on this item, pending more information. Discussion will continue the next week.

### **Short Reports - Court, Town Clerk**

Clerk Goddard advised the Board that municipalities are looking to make dog impoundment fees uniform across the County. Additional information will be presented at the next Town Board meeting.

Goddard presented the Clerk’s Report for the month of January, 2019. A total of \$1,870.00 was collected through the Clerk’s office, with \$1,833.00 distributed to the Town Supervisor and \$37.00 to the NYS Animal Population Control program. This income was from one Board of Zoning Appeals request, two planning fees, one building permit, and 29 dog licenses.

Justices Huddle and Klinger reported that the Danby Court will now be held on Tuesday mornings, starting at 9am. Justice Huddle informed the Board that the Court was awarded a grant for a camera security system.

### **Adjournment**

The meeting adjourned at 8:50 pm.

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Pamela Goddard, Town Clerk