

**Danby Planning Board
Minutes of Meeting
July 28, 2011**

Present:

Joel Gagnon
Anne Klingensmith
Ted Melchen
Robert Roe
Naomi Strichartz
Steve Selin

Absent:

Ray VandeBogart

Excused:

Secretary Pamela Goddard

Others Present:

Code Officer Sue Beeners
Public Randy Ingell, Jim Reagan

Planning Board Chair, Robert Roe opened the Planning Board meeting at 7:08pm.

Privilege of the Floor

Jim Reagan and Randy Ingell presented complaint/information about continued noise and problems from activities at the Oasis Dance Club. As neighbors of the Oasis, they are seeking regular and consistent compliance from the Club regarding several issues. These include concerns about lighting, dust abatement, excessive noise (which is worse in Summer, when the doors and windows are open), and the use of outdoor spaces for non-compliant drinking.

In addition, they report excessive noise after closing time, including shouting, loud stereos, and threatening situations. They regularly have to clean up garbage, including liquor bottles and cans, that has been thrown into their yard. These concerns contribute to a lack of neighborhood security and the need to call police regularly. By comparison, they have had almost no problems with the American Legion.

While Reagan and Ingell note that some progress has been made toward compliance, and that not all patrons of the Oasis are problematic, they see that more needs to be done. They have approached the Planning Board with the intent and expectation that compliance by the Dance Club can only improve relations between the Oasis and its neighbors. In an Email transmittal to the Planning Board (to be shared with the Town Board), Reagan and Ingell stated that they wish, "to do what it takes to ensure that the Oasis follow the rules, and that the quality of life in this neighborhood is best that it can be... We still think, in the case of the Oasis, a very high fence would make them a better neighbor."

Ingell reported that the State Liquor Authority was scheduled to visit the Oasis on Friday, July 29. Questions regarding regulation of this business were asked of the Code Enforcement Officer. The Town does not have a direct level of authority in this case. The State Liquor Authority has some jurisdiction and may take some action soon.

Discussion of SEQRA for Comp Plan Amendments

The Planning Board held a discussion about the SEQRA for this action. Some minor edits were made of the Comprehensive Plan Amendment, primarily in punctuation and grammar. Some wording was changed, for clarification of intent.

The Planning Board reviewed and carefully and deliberately considered whether there were potential impacts.

RESOLUTION NO. 22 OF 2011 – PROPOSED TOWN OF DANBY COMPREHENSIVE PLAN AMENDMENT – CONSIDER RECOMMENDATION TO TOWN BOARD

WHEREAS, the Town Board of the Town of Danby is considering adoption of a “Town of Danby Comprehensive Plan Amendment”; and

WHEREAS, the Town Board on July 11, 2011 has classified the adoption of said amendment as a Type I action under Environmental Conservation Law Article 8 and NYCRR Part 617, commonly referred to as SEQRA; and

WHEREAS, the Town Board has determined that it should be Lead Agency in environmental review of this action; and has authorized the Town Clerk to issue a Notice of Intent to all potential involved and interested agencies, with the Planning Board being an involved agency; and

WHEREAS, the Town Board has referred said proposed “Town of Danby Comprehensive Plan Amendment” to the Town of Danby Planning Board for review and recommendation; and

WHEREAS, the Town of Danby Planning Board has reviewed the proposed amendment, and has made a thorough review of the Long Environmental Assessment Form for this action, and has thoroughly considered potential areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment; and

WHEREAS, the environmental impacts identified are as follows:

1. **“Developable area of site contains a protected water body”** was checked as a potential impact. There are many areas of the Town that contain protected water bodies, including streams, tributaries, ponds, lakes, and related water bodies and riparian and littoral areas and corridors. However, the potential impacts will be positive in that these areas will be protected by the guidance process supplied by the Comprehensive Plan.

To the extent there may be negative impacts, such as through a plan that does envision continued support for small-scale commercial and light industrial development:

(i) this does not represent a change from the prior Comprehensive Plan;

(ii) the likelihood of any such impact will be mitigated by zoning, site planning, special permitting, building codes, and other permit processes; and

(iii) there are not foreseeable local socio-economic impacts for the Town or the region that are of such a scope, character, or probability of occurrence that make such potential impacts significant, such that, in total, such impacts are deemed minor, mitigated, and non-significant.

2. **“Impact on Energy”** was indicated, as the prohibition of oil and gas exploration, mining, and production may limit acquisition of energy sources by persons within spacing units who may opt to build pipelines from processors and compressors to their homes (or other lands). Thus, this impact is identified as it may potentially limit energy supplies within the Town that might otherwise potentially be available.

However, and while such an impact cannot be mitigated, it is deemed a small to moderate impact, and ultimately insignificant, as such impact is remote, highly speculative, and more than offset, as an impact, by the positive ecological effects of avoiding pipeline construction, compressor stations, etc. As well, gas utility services are available in many areas of the Town, further mitigating any such theoretical loss of energy supplies. Hence, this impact is deemed minor and non-significant.

3. **“Proposed Action will cause a change in the density of land use”** was indicated as a potential impact, as the prohibition of high impact commercial and industrial uses and operations will generally tend to prohibit and limit the density of commercial and industrial uses and operations, and may thus lead to sprawl (and, ironically, lower densities of land uses which would be consistent with the rural character of the Town). Nonetheless sprawl is a potential impact and is sought to be avoided. However, and in consideration of all factors, this potential impact is deemed non-significant because the Comprehensive Plan (and the related zoning ordinance) only allows industrial and business clustering within certain zones, including, in particular, Planned Development Zones

("PDZ"). This tends to, in fact, promote density of such uses, thereby preventing sprawl (and, as well, clustering and Transfer of Development Rights or TDR may also be utilized). As importantly, stricter site planning and subdivision controls can apply within PDZs thereby discouraging sprawl and allowing mitigation of such potential impact. As well, PDZs tend to cause the clustering of business and commercial operations in discrete areas, which also offsets the potential impact of sprawl.

As well, and given no heavy or high impact commercial or industrial developmental pressures over the past two decades within the Town, in part because such uses are more suitable for, and located in, nearby urban areas, the likelihood of such impact is deemed very small and quite speculative. Thus, with a low probability of the impact occurring, the mitigation through zoning and permitting, and the lack of any regional consequence to such potential impact, the Town deems such impact minimal, mitigated, and therefore non-significant.

4. **"Proposed Action will set an important precedent for future projects"** was indicated, as the declarations in, clarifications of, and amendments to the Comprehensive Plan will set precedents that may preclude certain heavy industries and high impact commercial and industrial uses and operations, thereby, instead, promoting cottage businesses, service industries, and small scale business, commercial, and light industrial uses and operations. This can tend as well to result in a greater number of businesses than might otherwise occur, as, and for an illustrative example, one large department store could not be replaced by one small clothier, shoe store, or furniture store. However, in consideration of the overall goals of the Comprehensive Plan, the Town has determined that the small town, rural character of the Town will be preserved by favoring lower impact uses and operations. While several smaller stores may have a cumulative impact that is arguably equivalent in some respects to one larger commercial operation, it is determined that smaller scale operations have impacts that are easier to mitigate, and that the smaller operations, in fact, cumulatively have fewer impacts, particularly as to traffic, noise, congestion, view sheds, and other similar impacts.

Again, given that for the past two decades such larger scale development pressure has not existed, and given that it is the goal of the Comprehensive Plan to steer towards a type and style of development that is consistent with existing community uses and goals and a small town rural character, and given that such impact is minor and mitigated and offset by the benefits of more controlled growth and fewer non-mitigated impacts, the Town deems this potential impact to be minor and therefore non-significant.

5. **"Proposed Action will create or eliminate employment"** was indicated, as the prohibition of high impact industrial and commercial uses and operations may have the effect of limiting future employment growth as such industries and commercial uses tend to also have higher employment rates due to the size and scale of operations. However, the history of the Town of Danby shows that, for over 40 years, most businesses are cottage operations, some of which grow locally and expand. The Town finds that these "local" operations tend to produce more local hiring than out-of-town-based operations, and that, even if such conclusion is inaccurate, there has been no such developmental pressure on the Town for over 20 years such that it is highly speculative to conclude that this action will result in a loss of, or a future reduction in, the number of available jobs.

Simply put, the Town of Danby has historically lacked industrial and commercial activities, and opportunities for such employment exist in nearby urban areas and business parks, such as in the Town of Ithaca, the Village of Spencer, and the City of Ithaca. As well, promoting smaller scale business operations will still promote jobs and still be consistent with the goals of the Town to maintain its rural character and preserve its vital ecosystems and aquifers. Hence, while indicated, this potential impact is deemed speculative, minor, and mitigated, and therefore non-significant.

After consideration of the above impacts, and other impacts required under 6 NYCRR Part 617, Section 617.7(c), as well as assessing and weighing: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan and/or Comprehensive Plan and local needs and goals; (vii) whether any known objections to the Project relate to any of the identified potential impacts; and (viii) impacts based upon the scope, magnitude, setting, of the action or approval, or the number of people affected by the action or approval, the Town of Danby Planning Board finds that the proposed action - updating, clarifying and amending its Comprehensive Plan - will have no negative environmental consequences.

NOW, THEREFORE, IT IS

RESOLVED, that the Town of Danby Planning Board, acting as an involved agency in environmental review of this action, affirms that the Town Board is Lead Agency in such environmental review; and it is

FURTHER RESOLVED, that the Planning Board finds the following:

1. This action is a clarification of and amendment to the Comprehensive Plan, last amended and adopted September 22, 2003, to state and clarify the meaning, application, and import of prior uses of the term "industrial," and to further state and declare the intentions of the Town and its citizens:

(i) to maintain the rural, small town character of the Town; and

(ii) to preserve valuable and unique natural, ecological, and geographic features of the Town, including, but not limited to aquifers, riparian and littoral corridors, unique natural areas, open spaces, agricultural areas, and working landscapes; and

(iii) to preserve and protect the health and welfare of the Town and its citizens by providing for orderly and controlled growth, prohibiting and regulating high impact industrial and commercial uses and operations (including but not limited to high volume hydraulic fracturing and other types of fracturing), and thus preserve and protect the rural, small town character of the Town and public health and welfare.

Accordingly, certain heavy industrial uses, and high impact industrial and commercial operations, (including but not limited to high volume hydraulic fracturing and other types of fracturing) are inconsistent with rural character, neighborhoods, quality of life, and the stated desire not to pursue, develop, allow, or encourage certain industrial activities or impacts within the Town of Danby. The potential for negative social, environmental and economic impacts makes certain industries and activity inconsistent and incompatible with the Town of Danby and its Comprehensive Plan.

2. SEQRA reviews seek impact analysis for many site specific developments, projects, or approvals. Here, the change is administrative in nature and does not involve the alteration of the land, any physical changes in land or structures, the creation of new structures, or any major re-ordering of environmental or other priorities. Thus, since the true impacts of this project would be to enhance the environment, including land features, aesthetic resources, visual resources, aquifers, protected and non-protected water bodies and corridors, wetlands, aquifers, plant and animal communities, historic and cultural sites of importance, agricultural uses and landscapes, rare, threatened and endangered flora and fauna, etc. hence, no negative impacts are anticipated by the adoption of this amendment to the Comprehensive Plan.

3. The impacts that have been identified are found to be speculative in terms of any potential negative impacts, and thus improbable. As well, such impacts are and can be mitigated by other actions and regulations, are non-regional in consequence, and do not have a scope or magnitude as to be likely to produce any negative impacts to the social and economic fabric, make up, or future of the community or the region; and it is

FURTHER RESOLVED, after consideration of the above impacts, and other impacts required under 6 NYCRR Part 617, Section 617.7(c), as well as assessing and weighing: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan and/or Comprehensive Plan and local needs and goals; (vii) whether any known objections to the Project relate to any of the identified potential impacts; and (viii) impacts based upon the scope, magnitude, setting, of the action or approval, or the number of people affected by the action or approval, that the Planning Board finds that the proposed action – updating and amending the Town of Danby Comprehensive Plan - will have no negative environmental consequences; and recommends that the Town Board make such finding; and it is

FURTHER RESOLVED, that the Planning Board having thoroughly reviewed and analyzed potential environmental impacts of this action, hereby recommends to the Town Board that such impacts be deemed non-significant, and that a negative determination of environmental significance or Negative Declaration pursuant to SEQRA be made for this action; and it is

FURTHER RESOLVED, that the Planning Board finds and affirms to the Town Board that the adoption of the proposed amendment is important, in order to maintain the long-standing intentions of the Town and its residents and in its Comprehensive Plan to maintain the Town's rural, small town character, preserve its valuable and unique natural, ecological, and geographic features, and preserve and protect the health and welfare of the Town and its citizens; and it is

FURTHER RESOLVED, that the Planning Board recommends to the Town Board that the proposed "Town of Danby Comprehensive Plan Amendment" be adopted, as revised on July 28, 2011.

Moved by Strichartz, Second by Selin. The motion passed.

In Favor: Gagnon, Klingensmith, Melchen, Selin, Strichartz, Roe

Discussion of Local Law Amending Zoning

The Planning Board held a discussion about the SEQRA for this action. The PB expressed appreciation of the changes which were made to the proposed Local Law. Some minor edits, correcting typographical errors were made.

The Planning Board reviewed and carefully and deliberately considered whether there were potential impacts.

RESOLUTION NO. 23 OF 2011 - PROPOSED "LOCAL LAW AMENDING AND CLARIFYING THE TOWN OF DANBY, TOMPKINS COUNTY, NEW YORK, ZONING ORDINANCE TO PROHIBIT GAS AND PETROLEUM MINING AND RELATED ACTIVITIES" – CONSIDER RECOMMENDATION AND REPORT TO THE TOWN BOARD

WHEREAS, the Town Board of the Town of Danby is considering adoption of a proposed local law entitled "A Local Law Amending and Clarifying the Town of Danby, Tompkins County, New York, Zoning Ordinance to Prohibit Gas and Petroleum Mining and Related Activities"; and

WHEREAS, the Town Board on July 11, 2011 has classified the adoption of said local law as a Type I action under Environmental Conservation Law Article 8 and NYCRR Part 617, commonly referred to as SEQRA; and

WHEREAS, the Town Board has determined that it should be Lead Agency in environmental review of this action; and has authorized the Town Clerk to issue a Notice of Intent to all potential involved and interested agencies, with the Planning Board being an involved agency; and

WHEREAS, the Town Board has referred said proposed local law to the Town of Danby Planning Board for a report thereon; and

WHEREAS, the Town of Danby Planning Board has reviewed the proposed local law, and has made a thorough review of the Long Environmental Assessment Form for this action, and has thoroughly considered potential areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment; and

WHEREAS, the environmental impacts identified are as follows:

1. **"Developable area of site contains a protected water body"** was identified as a potential impact. There are many areas of the Town that contain protected water bodies, including streams, tributaries, ponds, lakes, and related water bodies and riparian and littoral areas and corridors. However, the potential impacts will be positive in that these areas will be protected by the incorporation of zoning amendments designed to protect such areas and regulate high impact uses or operations.

To the extent there may be negative impacts, such as through the continuation of allowed uses classified as small-scale commercial and/or light industrial development:

(i) this does not represent a change, or significant change, from existing zoning regulations and their historic interpretation and application;

(ii) such amendments are in conformity with the historical and updated Comprehensive Plan;

(iii) the likelihood of any such impact will be mitigated by zoning, site planning, special permitting, building codes, and other permit processes; and

(iv) there are not foreseeable local socio-economic impacts for the Town or the region that are of such a scope, character, or probability of occurrence that make such potential impacts significant, such that, in total, such impacts are deemed minor, mitigated, and non-significant.

2. **"Impact on Energy"** was indicated, as the prohibition of oil and gas exploration, mining, and production may limit acquisition of energy sources by persons within spacing units who may opt to build pipelines from processors and compressors to their homes (or other lands). As well, and to the extent there are, or may be, minable quantities of natural gas and other hydrocarbons located underneath the incorporated boundaries of the Town of Danby, the inability to explore for, develop, extract, and produce such gas or hydrocarbons could argu-

able have an impact on regional or national gas supplies. Thus, these impacts are identified as they may potentially limit energy supplies both within and without the Town that might otherwise potentially be available.

However, and while such an impact cannot be mitigated, it is deemed a small to moderate impact, and ultimately insignificant, as such impact is remote, highly speculative, and more than offset, as an impact, by the positive ecological effects of avoiding pipeline construction, compressor stations, etc., related construction effects, traffic and roadway impacts, noise, and the potential impacts of gas exploration and production activities that are deemed very likely to impact aquifers, wetlands, and other sensitive land areas, rare and protected animals and plants. As well, gas utility services are available in many areas of the Town further mitigating any such theoretical loss of energy, and gas production from other regions, within and without New York State, will further offset any potential national or regional impacts. Hence, this potential impact is deemed minor and non-significant.

3. **“The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project”** was indicated as a potential impact, as there could arguably be more applications relating to commercial and industrial uses to obtain a code or zoning opinion as to whether a use qualifies as “Light Industry” and is thus an allowed use. This will then also potentially cause an increase in the number of determinations, questions, appeals, and variance applications before the ZBA, as well as potentially increase the number of site plan, zoning, and Planned Development Zone (“PDZ”) reviews for the Planning Board. Related increases in the internal operating costs of government are not expected to meet the 5% threshold, but as it is possible that this could occur, this impact must be, and has been, analyzed and subject to the requisite “hard look” required under SEQRA. It is determined that this impact is speculative and, that, in any event, since such uses would generally, and almost always, be required within a PDZ, the net overall increase in cost will be minimal as PDZ development and review are (i) comprehensive reviews in the first instance, and (ii) subject to cost offsets under Developer’s Agreements and permit application fees. Hence, this potential impact is deemed small, mitigated, and therefore non-significant.

To the extent that an overall challenge to the validity of such zoning amendments is a potential cost, whether due to claims relating to property rights, preemption, or supersession, or otherwise, and whether as to particular provisions (e.g., § 518) or overall, this potential impact is not deemed relevant to the determination of significance under this SEQRA review as the possibility of such one or more claims is speculative, remote, and not materially different from other day-to-day operational liabilities that attend any zoning change, local laws that limit or restrict rights of use in land, or other claims arising from normal governmental operations, such as, but not limited to, employment claims, civil rights claims, or Article 78 challenges to resolutions, regulations, interpretations, permitting, zoning, local laws, ordinances, water districts and other improvement areas and districts, assessment and taxation, highway improvements and condemnations for public purposes, and a plethora of other governmental activities and events that can lead or give rise to claims and expenses. Further, if such a claim arises, the Town can amend or repeal the law and limit such expense, particularly where it is determined by a higher governmental or judicial authority whether, and the extent to which, these amendments are valid and enforceable, or the extent to which they may need modification to be and remain valid and enforceable. Therefore, even in combination with the other impacts identified in connection with this paragraph 3, the cumulative effect of such potential claims is not deemed to be materially different from other liabilities of the Town, are mitigate-able effects, and not, in any event, significant enough to rate (or re-rate, classify, or re-classify) this impact above small to moderate, thus not impacting the finding that the effect of the above impacts is non-significant in terms of this environmental review.

4. **“Proposed Action will cause a change in the density of land use”** was indicated as a potential impact, as the prohibition or regulation of high impact commercial and industrial uses and operations will generally tend to prohibit and limit the density of commercial and industrial uses and operations, and may thus lead to sprawl (and, ironically, lower densities of land uses which would be consistent with the rural character of the Town). Nonetheless sprawl is a potential impact and is sought to be avoided. However, and in consideration of all factors, this potential impact is deemed non-significant because existing zoning, the zoning as proposed to be amended (consistent with the Comprehensive Plan) only allow industrial and business uses and clustering within certain zones, including, in particular, PDZs. This tends to, in fact, promote the density of such uses, thereby preventing sprawl (and, as well, clustering and Transfer of Development Rights or TDR may also be utilized). As importantly, stricter site planning and subdivision controls can apply within PDZs thereby discouraging sprawl and allowing mitigation of such potential impact. As well, PDZs tend to cause the clustering of business and commercial operations in discrete areas, which also offsets the potential impact of sprawl.

As well, and given no heavy or high impact commercial or industrial developmental pressures over the past two decades within the Town, in part because such uses are more suitable for, and located in, nearby urban areas, the likelihood of such impact is deemed very small and quite speculative. Thus, with a low probability of the impact occurring, the mitigation through zoning and permitting, and the lack of any regional consequence to such potential impact, the Town deems such impact minimal, mitigated, and therefore non-significant.

5. **“Proposed Action will set an important precedent for future projects”** was indicated, as these zoning amendments will set precedents that may preclude certain heavy industries and high impact commercial and industrial uses and operations, thereby, instead, promoting cottage businesses, service industries, and small scale business, commercial, and light industrial uses and operations. This can tend as well to result in a greater number of businesses than might otherwise occur, as, and for an illustrative example, one large department store could not be replaced by one small clothier, shoe store, or furniture store.

However, in consideration of the overall goals of the Comprehensive Plan, the Town has determined that the small town, rural character of the Town will be preserved by favoring lower impact uses and operations. While several smaller stores may have a cumulative impact that is arguably equivalent in some respects to one larger commercial operation, it is determined that smaller scale operations have impacts that are easier to mitigate, and that the smaller operations, in fact, cumulatively have fewer impacts, particularly as to traffic, noise, congestion, view sheds, and other similar impacts.

Again, given that for the past two decades such larger scale development pressure has not existed, and given that it is the goal of the Comprehensive Plan to steer towards a type and style of development that is consistent with existing community uses and goals and a small town rural character, and given that such impact is minor and mitigated and offset by the benefits of more controlled growth and fewer non-mitigated impacts, the Town deems this potential impact to be minor and therefore non-significant.

6. **“Proposed Action will create or eliminate employment”** was indicated, as the prohibition of high impact industrial and commercial uses and operations may have the effect of limiting future employment growth as such industries and commercial uses tend to also have higher employment rates due to the size and scale of operations. However, the history of the Town of Danby shows that, for over 40 years, most businesses are cottage operations, some of which grow locally and expand. The Town finds that these “local” operations tend to produce more local hiring than out-of-town-based operations, and that, even if such conclusion is inaccurate, there has been no such developmental pressure on the Town for over 20 years such that it is highly speculative to conclude that this action will result in a loss of, or a future reduction in, the number of available jobs.

Simply put, the Town of Danby has historically lacked industrial and commercial activities, and opportunities for such employment exist in nearby urban areas and business parks, such as in the Town of Ithaca, the Village of Spencer, and the City of Ithaca. As well, promoting smaller scale business operations will still promote jobs and still be consistent with the goals of the Town to maintain its rural character and preserve its vital ecosystems and aquifers. Hence, while indicated, this potential impact is deemed speculative, minor, and mitigated, and therefore non-significant;

NOW, THEREFORE, IT IS

RESOLVED, that the Town of Danby Planning Board, acting as an involved agency in environmental review of this action, affirms that the Town Board is Lead Agency in such environmental review; and it is

FURTHER RESOLVED, that the Planning Board finds the following:

1. This action is a clarification and amendment to the Town of Danby Zoning Ordinance to clarify and update such Ordinance by:
 - (i) clarifying allowed uses and distinguishing between light uses and heavy impact commercial and industrial uses and operations; and
 - (ii) defining certain industrial uses (such as but not limited to high volume hydraulic fracturing terminology); and
 - (iii) prohibiting natural gas and oil exploration and production, and related activities; and
 - (iv) declaring the Town's Constitutional power of supersession and adding general terms relating to invalidity and savings clauses, limitations upon Town liability and
 - (v) declaring such local law, being amendments to the Zoning Ordinance, to be and become immediately effective.

Accordingly, certain heavy industrial uses, high impact industrial and commercial operations, and hydrofracking are inconsistent with rural character, neighborhoods, quality of life, and the stated desire not to pursue, develop, allow, or encourage certain industrial activities or impacts within the Town of Danby. The potential for negative social, environmental and economic impacts makes certain industries and activity inconsistent and incompatible with the Town of Danby and its Comprehensive Plan.

2. SEQRA reviews seek impact analysis for many site specific developments, projects, or approvals. Here, the change is administrative in nature and does not involve the alteration of the land, any physical changes in land or structures, the creation of new structures, or any major re-ordering of environmental or other priorities. Thus, since the true impacts of this project would be to enhance the environment, including land features, aesthetic resources, visual resources, aquifers, protected and non-protected water bodies and corridors, wetlands, aquifers, plant and animal communities, historic and cultural sites of importance, agricultural uses and landscapes, rare, threatened and endangered flora and fauna, etc., and to make the Zoning Ordinance be and remain in conformance with the Town's Comprehensive Plan, including, but not limited to, ensuring orderly growth and the maintenance of the Town's rural, small town character, no negative impacts are anticipated by the adoption of these amendments to the Zoning Ordinance.

3. The impacts that have been identified are found to be speculative in terms of any potential negative impacts, and thus improbable. As well, such impacts are and can be mitigated by other actions and regulations, including zoning proceedings such as site plan review, special permitting, and variances, are non-regional in consequence, and do not have a scope or magnitude as to be likely to produce any negative impacts to the social and economic fabric, make up, or future of the community or the region; and it is

FURTHER RESOLVED, after consideration of the above impacts, and other impacts required under 6 NYCRR Part 617, Section 617.7(c), as well as assessing and weighing: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan and/or Comprehensive Plan and local needs and goals; (vii) whether any known objections to the Project relate to any of the identified potential impacts; and (viii) impacts based upon the scope, magnitude, setting, of the action or approval, or the number of people affected by the action or approval, that the Planning Board finds that the proposed action – updating and amending the Town of Danby Zoning Ordinance - will have no negative environmental consequences; and recommends that the Town Board make such finding; and it is

FURTHER RESOLVED, that the Planning Board having thoroughly reviewed and analyzed potential environmental impacts of this action, hereby recommends to the Town Board that such impacts be deemed non-significant, and that a negative determination of environmental significance or Negative Declaration pursuant to SEQRA be made for this action; and it is

FURTHER RESOLVED, that the Planning Board reports to the Town Board that the adoption of the proposed local law is important, in accordance with the Comprehensive Plan, in order to maintain the long-standing intentions of the Town and its residents to maintain the Town's rural, small town character, preserve its valuable and unique natural, ecological, and geographic features, and preserve and protect the health and welfare of the Town and its citizens; and it is

FURTHER RESOLVED, that the Planning Board recommends to the Town Board that the proposed local law entitled "A Local Law Amending and Clarifying the Town of Danby, Tompkins County, New York, Zoning Ordinance to Prohibit Gas and Petroleum Mining and Related Activities" be adopted, as revised on July 28, 2011.

Moved by Gagnon, Second by Selin. The motion passed.

**In Favor: Gagnon, Klingensmith, Melchen, Selin, Roe
(Strichartz excused, left early)**

Approval of Minutes

RESOLUTION NO. 18 OF 2011 - APPROVAL OF MINUTES

Resolved, that the Planning Board of the Town of Danby approves the minutes of May 26, June 23, and July 14, 2011.

Moved by Gagnon, Second by Klingensmith. The Motion passed unanimously.

Public Information Meeting and other actions

There was a discussion about the Planning Board role during a Public Information Session Meeting scheduled for August 22, 2011 at the Danby Town Hall to begin at 7:00pm. This meeting will be followed by a Gas Build-out presentation by Darby Kiley at the Town Hall on Tuesday August 23 at 7:00pm.

Beeners presented a draft time-line of actions crafted by Guy Krogh. This includes Road Use Laws, road use "mini-SEQRAs," the Aquifer Protection Ordinance, Critical Environmental Area designations, and further review of the Comprehensive Plan and Zoning Ordinance (round two).

Adjournment

The Meeting was adjourned at 9:10pm.

Pamela S Goddard, Planning Board Secretary

(These minutes drafted, based on sound recordings and notes taken by CEO Beeners)