

**Danby Planning Board
Minutes of Meeting
October 27, 2011**

Present:

Joel Gagnon
Anne Klingensmith
Ted Melchen
Robert Roe
Steve Selin

Excused:

Naomi Strichartz

Others Present:

Secretary	Pamela Goddard
Code Officer	Sue Beeners
Town Board	Leslie Connors
Public	Frank Kruppa, Ted Crane, Gay Garrison

Planning Board Chair, Robert Roe opened the Planning Board meeting at 7:06pm.

Meet the Planning Board Candidate - Frank Kruppa

Planning Board Candidate presented an overview of his experience in land use matters as Public Health Director in Florida. Kruppa is currently Public Health Director for Tompkins County. Kruppa answered some questions from the Board.

Candidates Gay Garrison and Ted Crane were also in attendance. The Planning Board had no questions for them.

State Legislation related to Home Rule

Garrison presented information on various state level legislative initiatives related to gas drilling. She informed the board that the October 15 seminar (held at the Women's Community Building) is now available in its entirety on the [shaleshock.org] web site. Garrison summarized some of the information presented by Assemblywoman Lifton and by industry insider and critic Chip Northrup. Garrison encouraged the Board to listen to these presentations.

Bills passed by the Assembly have not been matched by the Senate. Senator Seward has introduced his own version of its Home Rule Bill. Garrison said that there are 27 bills on the Senate floor related to hydrofracking, none of which, for political reasons, have been allowed to move forward. She advised that there needs to be an overwhelming push for the Senate to take interest in these bills.

Garrison gave details about a positive bill introduced by Senator Greg Ball, "The Property Owners Bill of Rights" #S5879. This includes mandatory water and soil testing by an official third party prior to drilling, all companies must sign a presumption of causation agreement with the state, mandatory property value reimbursement and soil and water remediation, free medical monitoring for life, etc. It also provides for Home Rule; the bill includes, "Allow local governments to enact and enforce certain laws and ordinances related to oil and gas and solution mining." Garrison characterized this bill as hard hitting and encouraged support for it. A link to this bill is on the Town of Danby web site.

Other Senators are also being educated with respect to the negative impacts of permitting drilling too quickly. Gov. Cuomo seems to want passage of the DEC rdSGEIS, although there is nothing in the 2012 state budget to prepare the DEC for the permitting process by hiring additional staff.

Garrison responded to questions regarding the most effective approach for support of clarification of Home Rule by New York State. She suggested communicating with Seward and Ball. Garrison suggested that they are weighing whether this is a land use or conservation law issue. She also suggested that questions and concerns be directed to farm bureau, tourism, and insurance issues. These are prime areas of concern for Seward. Klingensmith suggested that the importance of local zoning as a protective measure be emphasized in correspondence to the Senators.

Letter Regarding Ag District #1

Roe presented a draft letter, thanking Debbie Teeter for her presentation to the board and expressing PB support for Agricultural District #1 in its present configuration. The Board acknowledged its lack of information regarding the pros and cons of inclusion of inactive agricultural land in an agricultural district.

Through this discussion there was some clarification of a complaint regarding the inclusion of non-agricultural land in the current Ag. District. One of the objections is that the Town of Danby would have no control of the creation of a CAFO within an Ag. District. Minimizing the amount of land in an Ag. District is one way to control the creation of CAFOs. Previous review of the issue by the Comprehensive Plan Implementation Task Force resulted in the conclusion that the probability of CAFOs being established in Danby is, "slim to none." Alternately, Ag. Districts help protect against housing developments and nuisance law suits.

There was general agreement to support the status quo, and that the subject merits further study during a review of the Town's Comprehensive Plan.

RESOLUTION NO. 26 OF 2011 - AUTHORIZE LETTER

Resolved, that the Planning Board of the Town of Danby authorizes the Planning Board Chair to send a letter in support of Agricultural District #1 as it is currently configured.

Moved by Gagnon, Second by Klingensmith.

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

Privilege of the Floor

Ted Crane informed the Board of his ongoing interest in researching and drafting Noise and Light Ordinances for Danby. There were expressions of interest from members of the PB. Crane is particularly interested in an ordinance for industrial and commercial noise. Crane pointed out that, while the legal basis for similar legislation, such as that recently passed by the Town of Dryden, may be adequate, the technical parameters of these laws are oriented toward residential noise. The laws can be shown to be ineffective to control the problems associated with commercial and industrial noise. Selin reported that Town Attorney Krogh has specific suggestions for how this could best be done.

Planning Board Response to the DEC rdSGEIS

There was a discussion of the potential Planning Board response to the NYS DEC rdSGEIS. Klingensmith expressed interest in a response targeted to the question of local governments' right to regulate land use through zoning. She suggested that the PB response be focused on these issues.

There was a discussion of where a response regarding Home Rule would best be addressed. Home Rule concerns and rdSGEIS may be separate responses. Garrison reported that there are 25 specific areas listed by the DEC for comment, one of which is "Miscellaneous" and that land use issues might be addressed in that area. It was further suggested that the PB response should be sent to legislative representatives as well.

Roe reported that, in another capacity, he has already sent in comments. He reported that he addressed concerns about understaffing and budgeting for this industrial activity.

Selin and Klingensmith volunteered to draft something for presentation at the November PB meeting. Garrison encouraged the PB to read its comments at a public hearing scheduled to be held at the Ithaca State Theatre on December 1. This should be able to be completed at the next meeting.

Changing Meeting Date

Klingensmith informed the Board of a conflict with the Nov. 17 meeting date. This is the date for NYS Dec Public Hearing taking comments on the rdSGEIS at the Forum Theater in Binghamton. An alternate date was chosen, pending approval from the Town Court.

RESOLUTION NO. 27 OF 2011 - CHANGE MEETING DATE

Resolved, that the Planning Board of the Town of Danby will move its November meeting from Thursday the 17th to Tuesday the 15th, 2011.

Moved by Klingensmith, Second by Selin.

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

Aquifer Protection Ordinance Update

Beeners gave an update on the status of the draft Aquifer Protection Ordinance and a meeting with USGS scientist Todd Miller in respect to the extended aquifer study. Miller will do some culvert GIS, with the assistance of the Highway Department. Several key drainage areas have been identified, such as Six Mile Creek and the Cayuga Inlet Creek watersheds. These have been designated by the DE as "principal aquifers" requiring special review for drilling permits. Mapping is progressing. The committee working on drafting the law still needs to meet for further work. The focus of the Ordinance needs to be reconsidered, following the prohibition zoning which was passed earlier this year. Updated aquifer study maps should be available to the Planning Board at the end of the year.

A discussion of Critical Environmental Area designations followed. Klingensmith reported that further work on these efforts will not be possible until early 2012. She requested assistance in writing the designation documents and particularly welcomed any help through the expertise of the Conservation Advisory Council. There was a suggestion that these be prepared for a series of public hearings in 2012. Discussions need to be held as to how CEA designations will intersect with Danby zoning and what they will mean on a practical level for residents. Information related to CEA designations becomes a useful repository of information for Planning Board review of future projects.

"Round II" Zoning Updates

There was a further discussion about "round two" zoning initiatives. Selin reported on information learned via a training presentation in Tully including Town Attorney Krogh. This includes legislation powers available to municipalities to protect quality of life. This would go beyond the prohibitions passed earlier this year. Selin offered to organize this information and make a more formal presentation at the November meeting.

Agenda Statement

Klingensmith presented a draft statement, which she proposed be included at the bottom of future Planning Board agendas. She explained that the intent of this statement is to clarify the purpose and procedure of Privilege of the Floor and interactions between citizens and the Board. The Board accepted the statement without any revisions.

RESOLUTION NO. 28 OF 2011 - ADOPT AGENDA STATEMENT

Resolved, that the Planning Board of the Town of Danby adopts the following statement, to be included on future agendas:

"As a planning board we want to know what residents have to say. The time set aside for this is at the beginning of the meeting during 'Privilege of the Floor.' This time to speak is a privilege--not a right--and while we realize that residents are sometimes upset about an issue, we need to insist that the tone and content of your remarks be civil and respectful. If these simple guidelines are not adhered to, you will be asked to sit down and remain silent."

Once our meeting moves past the Privilege of the Floor section, we are still interested in what you have to say, but please be aware that your comments or questions during this part of the meeting can be entertained only if

time permits, so please wait to be recognized by the chair before speaking. If you wish to comment or ask a question during the regular part of our meeting, we ask that your comments pertain to the subject at hand, and again we insist that they be civil and respectful."

Moved by Gagnon, Second by Melchen.

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

Comprehensive Plan Review

There was further discussion about a review of the Comprehensive Plan, scheduled for 2012. Beeners made suggestions for the process of reviewing the Comp. Plan, starting with a review of what is different in Danby since the plan was drafted in 2003. She suggested scoping what has changed and assessing the critical needs in Danby. This assessment might include the Hamlet initiative and needed changes in zoning, septic and water issues, energy sustainability, and other measures. What goals from the 2003 Comp. Plan have been met and what still needs to be done?

Beeners suggested making this review more of an action plan with measures of attainability. This might include thinking about ways to get more people involved in actions related to the plan. She suggested that the PB consider some scoping sessions during the next six months leading into the formal review next year. The Board agreed to continue this discussion at its next meeting.

Town Board Report

Connors reported on recent Town Board actions, including the budget process. Hearings have been set for the 2012 budget (November 7 at 6:30pm) and the Road Use Preservation Law (Nov. 14 at 7pm). Connors also informed the PB that two of three interviews have been held in relation to the vacant PB seat. There was a discussion of this Planning Board appointment.

Conservation Advisory Council Report

Joel Gagnon made a report on activities of an intern working with CAC member Jake Brenner. They have been drafting a GIS process that can be used to characterize open space. Characteristics include slope, size of parcel, stream inclusions, and related aspects. These will be used to help identify parcels of land especially deserving of conservation protection.

Gagnon responded to questions regarding potential conservation easements through the Town. the CAC is still studying and working on the process. He reported that a half dozen land owners have already expressed interest in donating easements.

Approval of Minutes

RESOLUTION NO. 29 OF 2011 - APPROVE MINUTES

Resolved, that the Planning Board of the Town of Danby approve the minutes of July 28, 2011.

Moved by Gagnon, Second by Selin.

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

RESOLUTION NO. 30 OF 2011 - APPROVE MINUTES

Resolved, that the Planning Board of the Town of Danby approve the minutes of September 22, 2011.

Moved by Selin, Second by Gagnon.

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

Adjournment

The Meeting was adjourned at 8:59pm.

Pamela S Goddard, Planning Board Secretary