

**Danby Planning Board
Minutes of Meeting
February 23, 2012**

Present:

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

Others Present:

| | |
|-----------------|------------------------------|
| Secretary | Pamela Goddard |
| Code Officer | Sue Beeners |
| Energy Intern | Zachary Patton |
| Town Board | Leslie Connors, Kathy Halton |
| County Planning | Joan Jurkowicz |
| Public | Ted Crane |

Robert Roe opened the Planning Board meeting at 7:05pm.

RESOLUTION NO. 3 OF 2012 - ELECT CHAIR PRO-TEM

Resolved, that the Planning Board of the Town of Danby appoints Robert Roe to chair this meeting.

Moved by Klingensmith, Second by Gagnon.

Approved: By Acclamation

Report from Tompkins County Planning

Joan Jurkowicz, Tompkins County's Deputy Commissioner of Planning, made a report of its draft Development Focus Areas Strategy Plan. She was seeking feedback on the draft, including whether any areas of the draft need to be strengthened or changed. The discussion included a preliminary discussion of ways that Danby might help to put in place measures needed to achieve the vision identified in the strategy. In the view of County Planning, 90% of the work needed to make this possible needs to be done at the local level. This provides a framework, if local towns are interested.

There was an extensive discussion about what measures would be needed to encourage a Development Focus Strategy in Danby. These measures include encouraging customer service businesses to cluster together within a half mile radius, controlling sprawl outside the targeted core area for development, and zoning in such a way as to encourage development within the core area.

The question was raised as to, "Why create a walkable cluster development when there's nothing to walk to?" Jurkowicz encouraged the Planning Board to take a very long term view of this suggested development vision—as long as 25-30 years. Jurkowicz noted that other municipalities are also struggling with this issue.

The issue of alternative water and sewer systems in order to enable hamlet development in Central Danby. Kruppa noted that the Health Department is open to discussing alternatives. He advised that these are generally expensive and more complicated than standard water and septic systems.

Consider Recommendation for Planning Board Chair

The Planning Board voted on a recommendation for Chair for 2012. This recommendation will be forwarded to the Danby Town Board.

RESOLUTION NO. 4 OF 2012 - RECOMMEND PLANNING BOARD CHAIR

Resolved, that the Planning Board of the Town of Danby recommends to the Danby Town Board that Robert Roe be reappointed as Chair of the Planning Board for 2012.

Moved by Klingensmith, Second by Melchen.

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

Abstain: Roe

Consider Appointing Planning Board Secretary

RESOLUTION NO. 5 OF 2012 - APPOINT PLANNING BOARD SECRETARY

Resolved, that the Planning Board of the Town of Danby appoints Pamela Goddard as Secretary of the Planning Board for 2012.

Moved by Gagnon, Second by Melchen.

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

Abstain: Roe

2012 Project Tasking and Comprehensive Plan Review

The PB continued its discussion about setting priorities for projects in 2012. The discussion opened with Beeners presenting a review of the status of old and ongoing business. (The Road Use Law, Aquifer Protection Ordinance, and Critical Environmental Areas designations.) Review of Aquifer Protection Ordinance and CEA designations, including participation in public hearings, will be included in the 2012 Planning Board Scoping Document.

Each member of the Planning Board expressed his/her view on what should be addressed during the 2012 work year. After discussion, the following topics/tasks were suggested to be included in the list, in this order of priority:

- Review and possible revision of the Comprehensive Plan
 - Climate Action/Energy Sustainability Plan
 - Open Space Protections (Review Agricultural District Land inclusions?)
- Critical review/development of Hamlet/Neighborhood Zoning
 - Home Business/neighborhood compatibility
 - Hamlet Density Zoning
 - Alternate Water and Sewer options
- Aquifer Protection and CEA Review
- “Round II” industrial ordinances
 - Gravel mining/Noise/Light/Pipe Storage/Air Pollution (low hanging fruit)

This list will be transmitted to the Town Board

There was a preliminary discussion about methods and goals for review of the Comprehensive Plan, particularly in regard to “Sustainability”/energy use in the light of climate change. (Sustainability concerns appeared to overlap with Hamlet Zoning and preserving open space.) The PB discussed whether something like a “Climate Action Plan” should be an addendum to the Comprehensive Plan, a special planning document, or be interspersed in the complete Comp. Plan. No conclusion was reached regarding such a strategy.

Beeners introduced Energy Intern Zachary Patton and presented a set of questions, drafted by Patton, regarding a potential model Climate and Energy Action Plan. The PB was also given a 2009 resolution from the Ithaca Town Board regarding a “Climate Smart Communities” initiative. Consideration of these questions and resolution was incorporated in the discussion of the Danby Comp. Plan review.

There was a preliminary discussion regarding how to organize the work for reviewing the Comp. Plan. The PB will hold a “brainstorming” session regarding these issues during its next meeting.

Resolution Regarding the National Defense Authorization Act

Robert Roe presented the following resolution for discussion and consideration. There was some discussion of the concerns presented by Roe. Kruppa advised that he would vote against this resolution, not because he disagrees the sentiment but, because he felt it was beyond his role as a Planning Board member. Kruppa felt that it would be more appropriate for a concerned citizen to bring this individually to the Town Board. Other members of the PB expressed the view that it was not out of the role of the PB to voice concern regarding national issues. The exact wording of some of the NDAA was read, and found to be ambiguous.

RESOLUTION NO. 6 OF 2012 - NATIONAL DEFENSE AUTHORIZATION ACT

Whereas, the President of the United States signed into law the National Defense Authorization Act (HR 1540) on December 31, 2011, and

Whereas, Sections 1021 and 1022 of Title 10 of the National Defense Authorization Act void the writ of habeas corpus for American citizens within American territory, and

Whereas, the National Defense Authorization Act permits the United States Military to apprehend and indefinitely detain without trial citizens and residents of the United States in unspecified locations, and

Whereas, these actions can be undertaken by unspecified persons designated by the President of the United States without due process, without evidence, and based only on suspicion of belief or intention, and

Whereas, these actions and powers stand in contradiction of the Fourth and Sixth Amendments to the Constitution of the United States of America,

Therefore be it

Resolved, that the Planning Board of the Town of Danby requests that the Town Board of the Town of Danby pass a resolution demanding the immediate rescinding of sections 1021 and 1022 of Title 10 of the National Defense Authorization Act.

Moved by Melchen, Second by Gagnon.

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

Opposed: Kruppa

Abstain: Klingensmith

Consider Setting Public Hearing

Beeners informed the PB about a matter that might require a public hearing for site plan review. The Ithaca Zen Center is proposing to erect a small cottage on a property opposite Jennings Pond. If the construction or alteration is less than 1,000 square feet, it will be exempt from site plan approval. If it is greater, a public hearing will be required.

RESOLUTION NO. 7 OF 2012 - POSSIBLE PUBLIC HEARING

Resolved, that, pending review of need by Code Officer Sue Beeners, the Planning Board of the Town of Danby schedules a public hearing for March 22, 2012 at 7:00 PM, for a proposed cottage construction at the intersection of Bald Hill and Lieb Roads.

Moved by Gagnon, Second by Strichartz.

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

Town Board Report

Connors gave a short report of recent actions of the Town Board. The report included information about recent discussions regarding the inclusion of non-agricultural land in Danby's Agricultural Districts. There was a discussion about including this topic in the Comp. Plan Review.

Approve Minutes

RESOLUTION NO. 8 OF 2012 - APPROVE MINUTES

Resolved, that the Planning Board of the Town of Danby approves the minutes of November 15, 2011 and January 19, 2012.

Moved by Gagnon, Second by Kruppa.

Klingensmith asked for clarification of a line in the January 19 minutes, resulting in a slight wording change. She also requested that a statement be "read into the minutes" and included as part of the permanent record. Klingensmith's statement is attached to these minutes as Appendix A.

There was a discussion of the November 15, 2011 minutes and a request that a sentence in the paragraph regarding a recommendation/opinion regarding an appointment to the PB be removed.

Resolved, that the Planning Board of the Town of Danby approves the minutes of November 15, 2011 and January 19, 2012, as amended.

Moved by Gagnon, Second by Strichartz.

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

Conservation Advisory Council Report

Joel Gagnon made a short report. He informed the PB that Guy Krogh has agreed to provide pro-bono work for the CAC as it works on setting up conservation easements.

Adjournment

The Meeting was adjourned at 9:25pm.

Pamela S Goddard, Planning Board Secretary

Appendix A

For the record: I would like this to be entered into the record and minutes of this meeting of the Danby Planning Board, Feb 23 2012.

As a member of the Danby Planning Board, I appreciate information about keeping our meetings open, both to participation by the public and so that the public can hear and see what we do, discussions and actions alike. I believe that all members of the current board are dedicated to making sure that our meetings are open, and that things are not kept secret from the public.

However I would like to make sure that the information gathering that we did in November of 2011, so as to provide an opinion to the Town Board about the upcoming Planning Board appointment, is accurately represented in these minutes.

As a body, we felt it was important for us to provide input to the Town Board about the upcoming appointment of a new Planning Board member, a decision that we believed that the Town Board was making before our next scheduled meeting in January. Our opinion about this appointment is not binding on the Town Board in any way, quite simply, they can appoint whomever they choose, but it still seemed prudent for us to make our opinion known.

However, since our December meeting was cancelled, there was no way for us to meet as a body to poll Planning Board members opinions about this matter. Our Deputy Chairperson was asked by the Planning Board Chairperson to call all members to see what their preference was regarding the appointment. This phone call did not constitute either discussion or a vote by the Planning Board. It was merely a poll. Our Deputy Chairperson agreed to take the time and make the effort to find out what the opinions were about the new appointment. The results of this poll were reported to the Chairperson, who wrote a letter about the findings and delivered it to the Town Hall.

The record should show that we were not discussing or voting on a matter that the Planning Board needed to make a decision on, we were just stating our opinion about who we preferred to have as the newest member of our board.

Anne Klingensmith

Danby Planning Board

2/23/12