

**Danby Planning Board  
Minutes of Meeting  
July 14, 2011**

**Present:**

Joel Gagnon  
Robert Roe  
Naomi Strichartz  
Steve Selin

**Excused:**

Anne Klingensmith

**Absent:**

Ted Melchen  
Ray VandeBogart

**Others Present:**

Secretary	Pamela Goddard
Town Board	Leslie Connors
Code Officer	Sue Beeners
Public	Ted Crane

**Planning Board Chair, Robert Roe opened the Planning Board meeting at 7:14pm.**

**Discussion of Comp Plan Amendments Related to Gas Drilling**

The Planning Board discussed proposed amendments to the Danby Comprehensive Plan. It was noted that this approach addresses every conceivable way to deal with the need to address activities related to gas and petroleum exploration and extraction. The Planning Board suggested several small changes that it considered appropriate; these will be noted in a final version.

Roe requested that the phrase, "private ownership and interest as well as" (erroneously inserted in the original 2003 Comp Plan) be struck from section #18. It was agreed to remove this phrase.

Gagnon expressed the concern that the terms "over aquifers" in version 2, section #20 might be construed to prohibit development in most of Central and West Danby. This led to a general discussion about proposed strategies B1.4.7 and B1.4.9 as overlapping strategies. The Planning Board suggests amending v2 B1.4.7 by substituting the wording of B1.4.9 in its place.

There was a preliminary discussion about recommending the document to the Town Board. Sue Beeners advised that there may be a change in terminology regarding the extraction process.

**RESOLUTION NO. 22 OF 2011 - RECOMMENDATION REGARDING AMENDMENTS TO COMPREHENSIVE PLAN**

**Whereas**, the Town Board of the Town of Danby tasked the Planning Board with reviewing the amendments to the Danby Comprehensive Plan, and

**Whereas**, the Planning Board of the Town of Danby has reviewed the July 13 draft amendments,

**Therefore it is now**

**Resolved**, that the Planning Board recommends that the revised draft of Amendments to the 2003 Danby Comprehensive Plan be approved as amended.

**Moved by Roe, Second by Strichartz. The motion was withdrawn.**

This withdrawal was based on a recommendation by the Code Enforcement Officer, as the SEQRA determination is not ready for Planning Board consideration. Beeners advised that the

SEQRA determination should be ready for review at the July 28 PB meeting. In the absence of a formal resolution, the PB requested that Leslie Connors bring a report of informal support to the next Town Board meeting on July 18.

### **Discussion of Local Law Amending Zoning**

The Planning Board held an in-depth discussion of the draft Local Law Amending and Clarifying Zoning Ordinance to Prohibit Oil, Gas, and Solution Mining and High Volume Fracturing Including Hydraulic Fracturing. [This title was revised in a subsequent draft.]

Roe suggested a revised definition in Section 4; definition A to add extraction to the list including smelting and ore refining processes in order to be consistent with other definitions.

Gagnon had a concern that Section 3, A(i) might interfere with agricultural activities (specifically portable saw mills, woodshops, and other light industrial uses). Beeners reported that the Town Attorney's opinion is that the "Right to Farm Law" would protect a farm operation in this case. Beeners suggested the inclusion of the phrase, "except where otherwise permitted."

There was a lengthy discussion regarding gravel mines and quarries: should be included in the prohibition as related activities and, if so, to what level. Should provisions be made for small scale quarries as a permitted use? There was also concern about a potential provision for a special permit for mining at a 100 foot depth. Members of the Planning Board expressed concern that impacts from a gravel mine could have a major negative impact. There was also the concern that there may be an increased need for gravel with the probable construction of well pads in Tioga County. Section 702 did not seem to be the appropriate place to address this concern.

The PB suggested including language prohibiting large scale commercial gravel mining in the definition of a heavy industrial establishment, possibly in Section 4A. Additional technical information may be needed. There may need to be a new section for this concern.

There was a discussion about definitions of "heavy industry" and the vision that this prohibition is a first stage zoning change and that further clarifications will be accomplished in a second phase.

Other than these few concerns, the Planning Board expressed preliminary approval of this draft Zoning Amendment. Strichartz expressed her appreciation for all of the work done on this Local Law by Guy Krogh and those who assisted him.

### **Member Items**

Roe presented training workshop information. Selin and Beeners informed the PB about events to be held on July 25 and August 23. They suggested that all members of the PB be on the GDTF Email list, in order to receive educational updates.

Bob Roe asked for a revisit of the Aquifer Protection Ordinance, in relation to the recently released revised SGEIS and its provision that no drilling be allowed in State Forests or certain watersheds and flood plains. It is understood that this will take place later in the year.

Steve Selin asked about the best ways to share information with the Newfield Planning Board. He has been informed that Newfield is in the first stages of developing its own Comprehensive Plan. It was suggested and agreed that a copy of the Danby Comprehensive Plan and the Comprehensive Plan Amendment be sent to the Newfield PB, in order to encourage a similar effort there. Members of the Newfield PB may also be invited to attend one or more meetings of the Danby PB. Selin suggested that cooperation between the Towns may help protect residents in West Danby.

### **Adjournment**

The Meeting was adjourned at 8:47pm.

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Pamela S Goddard, Planning Board Secretary