

## **Minutes of the EMC General Meeting December 8, 2010**

**Voting Members Present (12):** Kenny Christianson, Brian Eden, Martha Ferger, Anthony Guarneri, Katie Kelly, Dan Lamb, Jim McGarry, Steve Nicholson, Roger Segelken, Kristine Shaw, Gary Stewart, Roger Yonkin

**Voting Members Excused (8):** Sarah Adams, Eric Banford, Spring Buck, Clement Chow, Stan Marcus, Helen Slottje, Lucia Tyler, Eric VanEvery

**Guests Present:** Andrew Obernesser

**Staff Present:** Scott Doyle, Kathy Wilsea

**Call to Order** – The meeting was called to order by Chair Roger Segelken at 7:04 p.m.

**Privilege of the Floor** – There were no visitors who wished to speak under Privilege of the Floor.

**Changes to the Agenda** – Election of Chair for 2011 was moved to the beginning of the meeting. Brian Eden said he had a couple issues to discuss under Member Items, and he hoped members would stay until the end of the meeting.

**Election of Chair for 2011** – Martha Ferger reported the Nominating Committee consisted of Gary Stewart, Roger Yonkin and herself. Steve Nicholson is willing to serve as Chair for 2011. Katie Kelly moved the nomination, Jim McGarry seconded, and the item passed by unanimous show of hands. Vice Chair elections will be held at the January meeting.

**Town of Ithaca Draft Stream Setback Law** – Gary Stewart introduced our guest, Sue Ritter, who is currently Assistant Director of Planning for the Town of Ithaca. He also congratulated her on her upcoming promotion to Director of Planning, which will become effective January 3<sup>rd</sup>. Sue said the draft law is still a work in progress, and they continue to solicit public input. The draft law was distributed to EMC members with the agenda. Sue said reasons to consider the law are water quality protection, streambank stability, reduction of flood and stormwater impacts, improvement of habitat, and enhancement of aesthetics. The elements of the law are the setback map; definition of widths based on size of stream, slopes, and adjacent wetlands; and the two zones. The team's most difficult task has been determining which streams to include in the regulatory program. Based on a County map, they realized there were more aspects to be addressed than they had considered when they initially met. They conducted an inventory of large perennial, seasonal, intermittent, and small streams. They sought to protect streams that have well-defined channels, rock and/or gravel beds. Following more research, they differentiated stream size by the amount of watershed drainage area.

Next came determination of how much setback was desired for development. They had to examine their goal factors. They found no universal scientific agreement on "optimal" setback. The team selected 35' for small stream in 35-175 acre watershed, 50' for medium stream in 175-1500 acre watershed, and 100' for large stream in 1500+ acre watershed, and defined measurement methods. Zone 1 is adjacent to the stream and minimum disturbances are allowed. Zone 2 is a transition area where landscaping and mowing are allowed. The zones have different prohibited activities. Adjustments will be made for steep slopes and presence of wetlands immediately adjacent to the stream.

Discussion period: This law would become part of the Town's zoning ordinance, which has other types of setbacks defined. Offenses would lead to stop work orders, fines, etc. There was comment on measurement methods – linear feet measured up a slope, or on a level plane. Specific education efforts will be undertaken to inform the public. Sue acknowledged the fine outreach work of Scott Doyle in the County's stream buffer program. Scott gave a quick status report on that program, saying the stream protection grants are wrapping up and several documents were produced: a model ordinance for municipalities, a planting guide for citizens, a model riparian protection agreement for use with landowners, and a model easement for protection of planted banks. Sue said it can be difficult to establish the edge of a stream, and Roger Yonkin concurred, saying they change almost every year. Soil & Water Conservation District was recommended as a great resource

for landowners, too. Sue pointed out establishing regulations will be useful for meeting the requirements of MS4 stormwater permits. Dan Lamb felt regulations could play into meeting expected Chesapeake TMDL regulations. Jim McGarry asked about whether there is a rough agreement on effective zone measurements. Sue said if a person read all the literature available, they would probably say 50 to 100 feet, but it depends on the goals of a program. The first 50 feet yields the most effectiveness, and lots of the property in the Town of Ithaca is already developed to that measure. She concurred with Jim's comments that this law would not force stream bank plantings, but does prohibit new construction. If a landowner is currently mowing to the edge, they can continue. New commercial ag would be permitted in zone 2, and if farming currently occurs in zone 1 that can continue. She acknowledged there are some inconsistencies in the draft law, as it is still a work in progress. Further outreach ideas include the Town newsletter, publicity by the Town conservation board, and use of materials from SWCD. Scott commented that TCPD studied streams that flow into state parks in Tompkins County, and decided to contact landowners to see if they were interested in stream buffers. They were pleasantly surprised by the good response. Sue said the team is still receiving constructive comments on the draft law.

**Sharing Ideas on Committees and Liaisons for 2011** – Scott reminded members that committee signups typically occur in January, and asked members to consider where committees are going, do we have the right number of committees, and what are the missions of the committees. Scott sees better participation with a smaller number of committees. He reviewed the current liaison list: Ag & Farmland Protection Bureau has been vacant long term. Brian Eden said he attended a meeting recently because the meeting topic interested him, and AFPB was very interested in having an EMC liaison. Water Resources Council: Jim McGarry serves in this voting seat, and sees it as a useful interaction. CU Community Waste Management Advisory Committee: Kenny Christianson said their EPA permits are not in place yet, but otherwise they are wrapping up their work. Brian is also a member, and said he hopes they will still plan their open house, which got postponed earlier this year. Adopt-a-Highway agreement was recently renewed for two years. Cayuga Sustainability Council: Kristine Shaw attends and sees this as a great opportunity to interconnect. She said they are not an action group – their only goal is interaction. PRISM addresses invasive species, and Mark Whitmore used to attend for his job at Finger Lakes Land Trust. Dredging: our prior liaison resigned from EMC. Brian said they are in the environmental review process, and other than acting on that, he doesn't see a need for a liaison. The City is currently delineating wetlands at Southwest Park. Brian will contact Lisa Nicholas for a status report. Brian suggested Tompkins County Climate Protection Initiative: Gary Stewart attends for Cornell, and Brian has been visiting. Brian said this is an active group with a wide range of participants, and they welcome an EMC liaison. Brian also suggested Cayuga Lake Watershed Network, which interacts with WRC. Scott said we face 2011 with ten municipal vacancies and two at-large vacancies, so could recruit new members to help on committees and serve as liaisons. Gary felt the EMC's Legislature Liaison should be talking with TCCOG about vacancies. Gary will draft a letter to municipalities for Steve Nicholson. In order to keep committees functioning, Scott suggested announcing at each EMC meeting the dates of upcoming committee meetings. Scott thanked Roger Segelken for his work as Chair this year.

**Committee Reports** – Energy: Brian Eden reported they changed their meeting date, but had poor attendance. The wind resolution did not go to PDEQ yet, but the cover memo will be drafted for January use. NYS Climate Protection Plan comments are due February 7, and Energy will work with ERC on providing comments. There are many issues to address, and he sees value in keeping this committee into the future. ERC: Jim McGarry said they have no active projects. He asked what members thought of the Sierra Club letter (distributed by email) that asked the Governor to sign a moratorium on hydrofracturing. Martha Ferger said the Gas Drilling subcommittee was also aware of a letter prepared by Toxics Targeting asking the Governor to void the Draft Supplemental Generic EIS. People can support the TT letter by signing onto the TT website. Katie Kelly pointed out that supporting the moratorium letter doesn't preclude support for voiding the DSGEIS. Jim moved to sign the Sierra Club letter, which was seconded by Martha. Kathy Wilsea told members the Sierra Club asked her to share the letter with EMC and WRC, and WRC will not be signing because they do not want a moratorium to serve to extend leases. Kristine explained that a moratorium forces extension of leases that would have expired during the moratorium period. Kenny Christian said impact of an extension might be banks not giving mortgages or property not being saleable. Vote on support for the Sierra Club letter was 7 yes, 4 no. Continuing with the ERC report, Jim said comments are due on the Cayuga Heights Deer Management Plan by 12/16 and Brian Eden with work with ERC on that. Executive: Did not meet. Unique Natural Areas: No report. Communications: Written report was distributed, and is attached to the minutes. Also attached is a written report supplied by Lucia Tyler on the Town of Ulysses.

**Approval of Minutes** -- The minutes of November 10, 2010 were accepted without change. Final minutes are available on the EMC webpage: [www.tompkins-co.org/emc](http://www.tompkins-co.org/emc).

**Reports – Legislature Liaison:** No report. **Chair:** No report. **Staff:** Copies of the 2009 TCPD Annual Report were distributed. Kathy Wilsea announced PDEQ approved the slate of at-large appointments for EMC and they proceeded to the County Legislature.

**Member Items –** Brian Eden suggested that EMC should send a letter to the incoming governor supporting higher DEC staffing levels. That will be discussed at the January meeting. Brian asked if Clean New York commented on the NYS Chemicals of Concern during the public comment period, and Katie Kelly said they did.

**Adjournment –** Members showed their appreciation for Roger Segelken’s year as Chair with a round of applause. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,  
Kathy Wilsea, Secretary, Tompkins County Planning Department

Approved by Council on January 12, 2011

### **Report from the Communications Committee 12/06/2010**

By Spring Buck

The Communications Committee met to discuss next steps and new short term goals. Our next two projects will be to:

- Sponsor a community “talk” in February (tentatively) on the Tompkins County’s recycling changes. The County will begin collecting co-mingled recyclables in February; changing from a recycling collection system where the paper is collected separately from the glass/tin/plastic. This change is in support of long term County efforts for reducing landfill waste and will impact all residents, visitors, and individuals who work and play in Tompkins County. (Efforts to share information on solid waste collection changes are in support of goals listed in the 1991 EMC report circulated in our November meeting).
- Update the Invasive Plants of Tompkins County, NY data which the EMC posts. In the November meeting it was discussed that this information is not comprehensive.

### **Municipal Report for Town of Ulysses 12/07/2010**

By Lucia Tyler

The Town of Ulysses has had several initiatives this year that relate to environmental concerns. Having completed a major revision of our comprehensive plan last year, we are moving forward with some of the priority action items. The Agricultural Protection Plan has been presented to the public and is in its final stages prior to adoption. This protection plan will function as a complement to the comprehensive plan. A special task force of farmers and interested residents has been working on this for over 18 months with the assistance of a professional planning group. The planning board has been working diligently on a Conservation zone along the west side of Route 89 from the town line to Taughannock Park. This would link up to the current Town of Ithaca Conservation zone along the lake. This zoning change is in its final stages. A Lake-shore zoning task force is also working with the planning board to develop a Lake Shore Zone along the east side of 89.

Ulysses has formed a gas-drilling task force to consider many of the issues related to Marcellus Shale development in the town. The town board wrote a letter to the EPA outlining problems with the Draft Generic Environmental Impact Statement related to gas drilling. The board later signed a letter asking for the flawed draft GEIS to be withdrawn. Members of the town board have informed themselves on this issue by attending countless presentations. Currently, the board is exploring ways to protect the town from environmental damage. A base line road study is being considered. Water pollution is a serious concern in regard to hydrofracking. The town has budgeted funds for the Community Science Institute to conduct water sampling studies in the Taughannock Creek watershed to begin to address this concern.