

**Planning, Development, and Environmental Quality Committee**

Regular Meeting Minutes

**Wednesday, January 13, 2010 3:15 PM**

Scott Heyman Conference Room

Approved 2-3-10

Members: P. Mackesey, Chair; C. Chock, M. Robertson, F. Proto, W. Burbank  
Present: H. Filiberto, Empire Zone Administration; J. Jurkowich, J. Leccese, E. Marx, S. Doyle,  
Planning; J. Kippola, Administration  
Guests: B. Bossard, Community Arts Partnership; R. Gaenzle, Harris Beach

**Call to Order**

Chair Mackesey called the meeting to order at 3:16 p.m.

**Changes to Agenda**

The Committee agreed to add the resolution entitled: Supporting Revised Agreement Between AES Cayuga and the Tompkins County Industrial Development Agency

Ms. Chock said she would like to discuss gas drilling and the January 25<sup>th</sup> lobby day. She also announced the Ithaca Neighborhood Housing Community Housing Trust program was outlined in *The Ithaca Journal* Thursday and suggested members review the article and encourage residents to participate in the program.

The Committee agreed to add an appointment to the Environmental Management Council

The resolution entitled Endorsing the Route 96 Corridor Management Study was withdrawn from the agenda.

Chair Mackesey announced a memorial service would be held for Assigned Counsel Supervising Attorney Robert Stolp at 4:00 p.m. Mr. Proto and Ms. Robertson said they would like to attend.

Mr. Proto expressed concern with the resolution endorsing the Route 96 Corridor Management Study, particularly that it requires additional time to review how the study affects municipalities as well as the County. He would like to have a full presentation of the information prior to making a decision. Mr. Marx said Ms. Schill had provided presentations of the various sections of the report and model as each component was completed. In addition, he noted the municipal partners with the exception of the County have passed resolutions in support of the study. Ms. Mackesey said the resolution would be on the next Committee agenda.

**Approval of Minutes**

**(DOC ID: 1723): Minutes of December 9, 2009**

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Chock, Vice Chair  
**SECONDER:** Will Burbank, Member  
**AYES:** Mackesey, Chock, Burbank, Proto, Robertson

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**Tompkins County Area Development**

**Resolution (DOC ID: 1724): Approval of Bylaws and Certificate of Incorporation of the Tompkins County Development Corporation**

Ms. Robertson said this is the next step toward developing a separate corporation that would allow the County to provide bonding to not-for-profits. Mr. Gaenzle of Harris Beach PLLC, bond attorney, stated the Certificate of Incorporation was set up according to Section 1411 of Corporate Law. He said modifications of the Certificate of Incorporation could be made provided amending the powers do not impair public purposes.

A discussion followed and concerns expressed about the powers of the Corporation as outlined in section "THIRD (b) and (c). Mr. Marx said if the power outlined in section THIRD, paragraph (b) previously existed the New York State Department of Transportation facility may have happened. The Committee agreed to amend the sections of the Certificate of Incorporation have section THIRD, paragraphs (b) and (c) be prefaced by "Upon the approval of the Tompkins County Legislature or its designee". In addition, the officers of the Corporation were amended to delete former Legislators Koplinka-Loehr and Sigler. In response to a question, Ms. Filiberto said the County Attorney had reviewed the material and did not take any issue with its contents. It was also noted that the Industrial Development Agency had not yet seen the bylaws.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Martha Robertson, Member
<b>SECONDER:</b>	Will Burbank, Member
<b>AYES:</b>	Mackesey, Chock, Burbank, Proto, Robertson

WHEREAS, the Tompkins County Development Corporation was created in accordance with County Resolution No. 203 of November 17, 2009, and pursuant to Section 1411 of the Not-For-Profit Corporation Law, and

WHEREAS, Resolution No. 203 of 2009 designated the County as the sole Member of the Corporation, and

WHEREAS, the Member shall approve the bylaws and certificate of incorporation, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Bylaws and Certificate of the Tompkins County Development Corporation be approved.

**SEQR ACTION:** TYPE II-20

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**Appointment (DOC ID: 1725): Empire Zone Administration Board Appointments**

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Martha Robertson, Member
<b>SECONDER:</b>	Frank Proto, Member
<b>AYES:</b>	Mackesey, Chock, Burbank, Proto, Robertson

**Empire Zone Administration Board**

David W. Sprague – Local Business representative; term expires December 31, 2012

Nels Bohn – Community Development representative; term expires December 31, 2012

Michelle Benedict-Jones – Financial Institution representative; term expires December 31, 2012

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**Planning Department**

**Resolution (DOC ID: 1735): Endorsing the Route 96 Corridor Management Study**

<b>RESULT:</b> <b>WITHDRAWN</b> <b>Next Meeting: February 3, 2010 3:30 p.m.</b>
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WHEREAS, pursuant to General Municipal Law Section 119-o, the County of Tompkins, the City of Ithaca, the Towns of Ithaca and Ulysses, and the Ithaca-Tompkins County Transportation Council entered into an agreement to complete a corridor management study of New York State Route 96, and

WHEREAS, the purpose of the Route 96 Corridor Management Study was to evaluate traffic impacts associated with development along the corridor from the Village of Trumansburg to the junction of Routes 96 and 13, and to consider techniques that could be implemented to mitigate those impacts, and

WHEREAS, a survey of residents in the Route 96 Corridor was conducted, focus group meetings with businesses/institutions in the Corridor were held, two area-wide public meetings regarding the Route 96 Study were held at the Museum of the Earth in 2008, and comments received from the public participation process were factored into the Route 96 Corridor Management Study reports, and

WHEREAS, a consultant team was hired and completed Technical Reports # 1, 2 and 3 with technical information, analysis, and recommendations, and

WHEREAS, the study quantifies existing and projected traffic and levels of service, evaluates how a nodal development pattern with a mix of uses, including enhanced transit opportunities, improved pedestrian and bicycle connections and systems, better management of access within the Corridor, traffic calming measures, infrastructure improvements, and zoning and land use modifications where applicable, could mitigate the impacts of this traffic, and examines the option of promoting development nodes in the vicinity of Cayuga Medical Center and the Hamlet of Jacksonville, and

WHEREAS, Draft Technical Report #4 (dated 4/6/09) was prepared by the representatives of the Route 96 Corridor Technical Review Committee, including representatives from the participating organizations, and draws from the three earlier technical reports to develop an inter-municipal strategy for mitigating the impacts of traffic by promoting a nodal pattern of development in the Corridor and utilizing related strategies, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the Tompkins County Legislature hereby endorses the Route 96 Corridor Management Study and the principles therein and urges that it be used as a planning tool by the participating organizations as they develop and modify their municipal comprehensive plans,

RESOLVED, further, That the Tompkins County Legislature fully supports continuation of the cooperative planning efforts begun during the Study among participating organizations.

**SEQR ACTION:** TYPE II-18

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**Resolution (DOC ID: 1727): Making a Negative Declaration of Environmental Significance in Relation to Resolution No.        of 2010: Authorization to Hold a Conservation Easement on Tax Parcel No. 12.-1-30 Located on Brooktondale Road, Town of Caroline**

<b>RESULT:</b> <b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b> Frank Proto, Member
<b>SECONDER:</b> Will Burbank, Member
<b>AYES:</b> Mackesey, Chock, Burbank, Proto, Robertson

WHEREAS, in Resolution No. \_\_ of 2010, the Tompkins County Legislature would authorize the County Administrator to execute any documents necessary for the County to hold, maintain, and enforce, in perpetuity, a conservation easement on Tax Parcel No. 12.-1-30 in the Town of Caroline, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate an

Environmental Assessment Form with respect to that action, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That Resolution No. \_\_\_ of 2010 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. \_\_\_ of 2010.

**SEQR ACTION:** Unlisted

(Negative Declaration and Short Environmental Assessment form on file with the Clerk of the Legislature)

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**Resolution (DOC ID: 1728): Authorization to Hold a Conservation Easement on Tax Parcel No. 12.-1-30 Located on Brooktondale Road, Town of Caroline**

In response to Mr. Proto's question, it was noted there is no County funding involved and that the easement would be monitored.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Frank Proto, Member
<b>SECONDER:</b>	Martha Robertson, Member
<b>AYES:</b>	Mackesey, Chock, Burbank, Proto, Robertson

WHEREAS, in 2007, the Tompkins County Planning Department was awarded grant funds through the New York State Department of Environmental Conservation's Water Quality Improvement Program to develop stream buffer protection measures, and

WHEREAS, Town of Caroline Tax Parcel No. 12.-1-30, a 4.23 acre (1.71 hectares) parcel located on Brooktondale Road and Six Mile Creek in the Town of Caroline, was identified as a property that could contribute to a broader stream buffer protection program in the County, and

WHEREAS, the County Planning Department, after thorough consideration of the various aspects of the property and analysis of available data, has determined that protection of a 3.83 acre (1.55 hectares) portion of this parcel that buffers Six Mile Creek will enhance water quality, wildlife habitat and conserve important riparian functions that are in the best interest of the public, and

WHEREAS, a conservation area has been surveyed on the parcel and a conservation easement has been developed, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the County Administrator or his designee is authorized to execute any necessary documents for the County to hold, monitor, and enforce, in perpetuity, a conservation easement on Town of Caroline Tax Parcel No. 12.-1-30.

**SEQR ACTION:** Unlisted

(Short Environmental Assessment Form on file in the office of the Clerk of the Legislature)

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**Appointment (DOC ID: 1729): Environment Management Council Appointments**

Ms. Chock expressed appreciation to Mr. Doyle for the work he has done with the Council.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Chock, Vice Chair
<b>SECONDER:</b>	Martha Robertson, Member
<b>AYES:</b>	Mackesey, Chock, Burbank, Proto, Robertson

Environmental Management Council

Helen Slottje – At-large representative; term expires December 31, 2010  
Sarah Adams - At-large representative; term expires December 31, 2011  
Anthony Guarneri – At-large representative; term expires December 31, 2010

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**Resolution (DOC ID: 1738): Supporting Revised Agreement Between AES Cayuga and the Tompkins County Industrial Development Agency**

Ms. Robertson explained as part of the Payment In-Lieu of Taxes agreement there was a clause to review and re-evaluate the value of the property. Various factors such as the price of coal, demand, etc. assist to determine the value of the property. Due to the recession, rising coal costs, and reduced demand creating a lower income, a request was made by AES to renegotiate the agreement. Discussions with the Town of Lansing and Lansing Central School District have taken place with regard to the renegotiation and they have prepared resolutions in support of the process as well.

The value of the power plant is \$100,000,000, with AES providing a step-down approach to payments to lessen the impact on the Town, County, and School District. If the County disagrees with the renegotiated process, AES would go to court to determine how to proceed. In response to concerns expressed by Committeemembers, Ms. Robertson said the agreement provides each party with the ability to request a renegotiation at any time.

Ms. Chock indicated she is not supportive of the resolution and noted she believes the residents would be bearing the brunt of making up for loss of income in a bad year and that they do not get the benefit of the periods AES has profits. She suggested amending the resolution to reflect the value of the plant as of February 27, 2008. Ms. Robertson said the values are consistent with the agreement that had been negotiated. The Committee expressed an interest to move the resolution forward pending receipt of additional information relating to the resolution.

<b>RESULT:</b>	<b>RECOMMENDED [4 TO 1]</b>
<b>MOVER:</b>	Martha Robertson, Member
<b>SECONDER:</b>	Will Burbank, Member
<b>AYES:</b>	Pamela Mackesey, Will Burbank, Frank Proto, Martha Robertson
<b>NAYS:</b>	Carol Chock

WHEREAS, the Tompkins County Industrial Development Agency and AES Cayuga signed a Payment in Lieu of Taxes (PILOT) Agreement on February 27, 2008, and

WHEREAS, during 2009 several meetings were held at the request of AES, due to extraordinary circumstances resulting from the national economic recession that have significantly affected the financial condition of its Lansing facility, and

WHEREAS, as provided by paragraph 6.3 of the Rider to the PILOT agreement, a modification is allowed in the event of such extraordinary circumstances, and

WHEREAS, representatives of the Tompkins County Industrial Development Agency, Tompkins County, the Lansing School District, and the Town of Lansing participated in said meetings with representatives of AES Cayuga, and

WHEREAS, a modification of the PILOT agreement was negotiated, such that the agreement will provide for the following values to be substituted for the values of the corresponding year in Exhibit A to the Rider to the PILOT Agreement (also referred to as the Value Exhibit):

2010 Assessment Roll	\$130,000,000
2011 Assessment Roll	\$120,000,000
2012 Assessment Roll	\$110,000,000
2013 Assessment Roll	\$100,000,000

, and

WHEREAS, the understanding outlined above was reached by the IDA/County negotiating team and AES on November 5, 2009, and

WHEREAS, the Tompkins County Industrial Development Agency voted on January 8, 2009, to hold a public hearing on the proposed agreement, and

WHEREAS, as has been the case throughout these and prior negotiations, the candor and good faith of all parties have been greatly appreciated, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature supports the renegotiation of the original PILOT pursuant to procedures and conditions as outlined in the February 27, 2008 agreement.

**SEQR ACTION:** TYPE II-20

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Mr. Proto and Ms. Robertson were excused at this time (4:05 p.m.).

### **Strategic Tourism Planning Board**

#### **Resolution (DOC ID: 1716): Approval of Contract for Arts and Culture Development Grants**

Mr. Bossard of the Community Arts Partnership provided an overview of the process used to determine grant awards. The program is a stabilization program created seven years ago to strengthen and encourage long-term planning in the arts and cultural resources as a component to the tourism industry. He noted that although the State Theatre appealed the requirements for the grant, it was denied on the basis of maintaining its own box office. The grant program is intended to encourage collaboration among the resources and sustainable business practice in long-term planning. Ms. Chock noted if the State Theatre were to join with other cultural businesses it would reduce everyone's cost; if not part of a collaborative effort they are not eligible for this particular grant program.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Chock, Vice Chair
<b>SECONDER:</b>	Will Burbank, Member
<b>AYES:</b>	Mackesey, Chock, Burbank,
<b>EXCUSED:</b>	Proto, Robertson

WHEREAS, Community Arts Partnership (CAP) recognizes that the local arts and cultural community is a valuable and unique asset, and that a need exists to harness the power of the arts to develop tourism growth, and if strategically managed, that would stabilize and develop these assets to better serve tourists through well-planned marketing efforts, and

WHEREAS, CAP was appointed to create a comprehensive arts marketing plan and develop and implement a plan for financial and operational development and capacity building of arts and cultural

entities, and

WHEREAS, the arts and cultural community could better position itself in the marketplace to attract more visitors to and enhance visitors' stay in Tompkins County, thus generating more dollars into the local economy, and

WHEREAS, funding exists within the Room Tax Occupancy (Tourism Program) budget for the Arts and Cultural Organization Development Program, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, with the advice of the Strategic Tourism Planning Board, That the following Arts and Cultural Organization Stabilization Grants be awarded in 2010:

	2004	2005	2006	2007	2008	2009	2010
Hangar Theatre	30,000	30,000	30,000	32,500	37,500	24,000	<b>22,600</b>
Cayuga Chamber Orchestra	20,000	25,000	20,000	22,000	23,275	18,700	<b>21,373</b>
Kitchen Theatre	25,000	25,000	35,000	39,680	34,000	22,400	<b>21,264</b>
Cayuga Nature Center						28,000	<b>25,000</b>
The History Center	20,000	30,000	23,000	30,000	30,000	23,200	<b>21,458</b>
PRI/Museum of the Earth			20,000	25,000	30,000	18,000	<b>15,000</b>
<del>State Theatre</del>	<del>30,000</del>	<del>30,000</del>	<del>30,000</del>	<del>30,000</del>	<del>37,000</del>	<del>16,000</del>	<b>Ineligible</b>
<del>Light in Winter</del>					22,000	Moved to diff. grant	
Sciencenter						10,000	<b>16,000</b>
<b>GRANTS TOTAL</b>	<b>\$125,000</b>	<b>\$140,000</b>	<b>\$158,000</b>	<b>\$179,180</b>	<b>213,775</b>	<b>160,300</b>	<b>\$142,695</b>

RESOLVED, further, That CAP is paid an amount up to \$17,100 (10 percent of program) for administrative evaluation and oversight services,

RESOLVED, further, That the County Administrator or his designee is authorized to sign any agreements with the recipients and CAP pertaining to this program.

**SEQR TYPE: TYPE II-20**

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Indicators of Success Discussion (DOC ID: 1726)

This item was deferred to a future meeting due to Ms. Schill's absence.

**Commissioner's Report**

Follow-Up on Comments regarding dGEIS

Mr. Marx reported the Environmental Protection Agency comments submitted to the New York State Department of Environmental Conservation focused on many of the same issues identified by the County. He announced the *Post Standard* editorial cited three examples of entities that had submitted objections to the draft environmental impact statement including the resolution adopted by the Legislature. Mr. Marx explained there were many local groups who submitted comments including Tompkins County Council of Governments, the Planning Department, Water Resources Council, Environmental

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Management Council, and the Health Department. Mr. Marx has been asked by Ms. Robertson to be part of a panel regarding Marcellus Shale Drilling issues at the New York State Association of Counties Legislative Conference next month.

#### Update on Grant Applications

Mr. Marx reported that in December an application was submitted to the Department of Energy. This grant would provide the first round of applications for an energy-efficiency financing mechanism, with the grant paybacks being utilized to continue the program.

The Planning Department is working with Facilities Division and Solid Waste Division to submit a grant application in February from NYSERDA for a block grant as a small community that is not an entitlement community; the request would be for the full \$500,000.

Mr. Marx said during 2009 Marcellus Shale concerns and seeking grants through the American Recovery Act used a good deal of time his Department had not anticipated.

#### Housing Fund

Mr. Marx reported the affordable housing program developed by the County, Town of Ithaca, and Cornell University has received six grant application requests for a total of \$635,000, with the dollar amount almost evenly divided between the two areas of the program, the affordability and the housing trust fund. The requests will be given to the application review committee for review. In response to a question about the split of program requests, Mr. Marx said the affordability program had more applications but the dollar amounts are more evenly split.

#### Presentation at the National and American Planning Association

Mr. Marx will be part of a presentation at the April conference of the National and American Planning Association. The presentation recommendation, submitted by Cornell University, is on how the Comprehensive Planning process in the County and the Master Planning process at Cornell University changed the manner in which the County and University fundamentally relate to one another. He will be providing a summary of the presentation to the Committee when it is completed. He said the process was the result of the many times there seemed to be a conflict to an approach to one that was a cooperative relationship.

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#### Discussion regarding dGEIS on Marcellus Shale

Mr. Stein inquired whether it was beneficial for so many entities comments and resolutions regarding the dGEIS. Mr. Marx said many of the entities were working on the comments up until the actual due date of the document, which did not allow time for consolidation. He believes the many detailed comments were good as it showed various perspectives. Ms. Mackesey noted that many towns responded as well and she believes that indicates a great deal of concern. Mr. Burbank said the Tompkins County response was extraordinary and very intelligent. Ms. Chock said that so many different entities have commented, with ten to twelve thousand comments, that the DEC isn't going to issue a final report within forty-five days is. She believes it is up to the Governor to ask that a further study occur.

#### Route 96 Corridor Discussion

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Mr. Burbank felt it might be useful to have a presentation to update the Committee members on the study. He has not had the opportunity to review the entire document yet, but said he has had many residents express concern about nodal development in the hospital area.

Mr. Marx provided members with copies of the resolutions in support of the Route 96 Corridor Study passed by municipalities and Ithaca-Tompkins Transportation Council.

Ms. Chock asked if a discussion regarding a node in this area would be beneficial. Mr. Marx said it is a future discussion. He clarified that this is one of at least a half-dozen areas similar in nature throughout the County. The Town of Ulysses is in support of the study and has adopted a comprehensive plan embodying the plan.

Further discussion indicated that residents see nodal development a veiled growth strategy and that the County is attempting to develop West Hill. Mr. Marx clarified that the County has the least ability to approve any development in that area. Ms. Mackesey noted that within the City residents were concerned about development taking place within the Town of Ithaca without being able to express concerns such as increased traffic in the City's boundaries.

**Adjournment**

On motion, the meeting adjourned at 4:35 p.m.

*Respectfully submitted by Karen Fuller, Deputy Clerk*