

Planning, Development, and Environmental Quality Committee

Regular Meeting Minutes

Wednesday, February 3, 2010 3:30 PM

Scott Heyman Conference Room

Approved 3-3-10

Present: P. Mackesey, Chair; W. Burbank; F. Proto; C. Chock; P. Pryor
Legislators: M. Robertson, P. Stein
Staff: E. Marx, J. Jurkowich, L. Schill, Planning, J. Mareane, P. Pryor, Administration; F. Bonn, Convention and Visitor’s Bureau; J. McPheeters, Chamber of Commerce; S. Shackford, Ithaca Journal

Call to Order

Chair Mackesey called the meeting to order at 3:34 p.m.

Changes to Agenda

Chair Mackesey withdrew from the agenda the resolution entitled “Approval of Bylaws and Certificate of Incorporation of the Tompkins County Development Corporation (ID #1724).

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

Approval of Minutes

Minutes Approval – January 13, 2010 (DOC ID: 1784)

RESULT:	COMMITTEE APPROVED [UNANIMOUS]
MOVER:	Will Burbank, Member
SECONDER:	Carol Chock, Member
AYES:	Mackesey, Burbank, Chock, Proto, Pryor

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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

RESULT:	WITHDRAWN	Next: 3/3/2010 3:30 PM
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Planning Department

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

Ms. Robertson said she requested the resolution be brought back to Committee to approve the additional language relating to the agreement and correct the dates. She provided members of the Committee with a copy of the resolution passed by the Town of Lansing indicating support of the amendment.

Mr. Proto asked the new members whether they had questions regarding the resolution.

Ms. Chock was pleased to see that either party would have an opportunity to revisit the agreement and indicated general support for it. However, she said four years is too long a period and there is no

clause for recovery. She would volunteer to be on the negotiating committee in the future. Ms. Chock cannot support the resolution.

Ms. Pryor said she has had many calls from constituents. Following conversations about the process she would accept the amendment to the agreement. She said residents are finding it difficult to think that the plant lost so much revenue in a one-year period. She said her constituents want to be assured their thoughts and concerns are addressed.

Ms. Mackesey suggested moving the resolution forward and allowing Mr. Proto and Ms. Pryor to have further discussions outside of the meeting.

Ms. Robertson praised Ms. Pryor for the amount of education she has absorbed about the agreement. She explained the Payment In Lieu of Taxes (PILOT) agreement is unique in New York State. The negotiations would be reopened in June 2010 and reviewed; therefore the values within the resolution are serving as placeholders. She said that Mr. Grimm, Superintendent of Lansing Central School District, will be speaking to Mr. Goodenough, AES Cayuga Plant Manager, to determine if there is a way to level off the values; it is unknown what the outcome may be.

Ms. Chock said if the out-years were placeholders she would prefer to have a higher value; to amend 2012 to 130,000,000 and 2013 to 140,000,000. Mr. Proto asked what the concerns are with residents. He also said the power plant is not in an isolated area; he said if income increases it would be significant and negotiations could be reopened. In addition, he noted there is a scheduled Public Hearing by the Industrial Development Agency about the agreement. He will support the resolution.

Mr. Stein said he does not support the resolution as he believes he does not have enough information. Although he understands the concept that electric sales are down for the plant, he does not have information on how the values were determined.

Mr. Mareane said the valuation methodology and current placeholders are based upon the current known values and expectations were used in a formula that appraisers use for complex properties. The company showed they were in need of amending the agreement based on the net income projections. Based on the new figures the value dropped from the \$255 million anticipated several years ago to \$100 million. The reason it drops drastically in the first years is due to the dire financial situation at the present time.

Ms. Robertson said if it were to go to court and the court agreed on the actual value the fluctuating values would not be possible. Having the PILOT in place allows for the level to come down at a slower pace than the present value.

RESULT:	RECOMMENDED [4 TO 1]
MOVER:	Frank Proto, Member
SECONDER:	Will Burbank, Member
AYES:	Pamela Mackesey, Will Burbank, Frank Proto, Pat Pryor
NAYS:	Carol Chock

WHEREAS, the Tompkins County Industrial Development Agency and AES Cayuga signed a Payment in Lieu of Taxes (PILOT) Agreement on February 27, 2009, and

WHEREAS, Paragraph 6.3 of the Rider to the PILOT agreement provides that “if extraordinary circumstances shall occur at any time during the term of this PILOT Agreement” either party may “...give notice to the other of its desire to ... review and modify the Taxable Values, and the noticed party shall not unreasonably refuse or condition its participation in such review and modification process”, 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, 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 were involved 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, 2010, to hold a public hearing on the proposed agreement, and

WHEREAS, the Tompkins County Legislature recognizes that this modification represents a difficult adjustment for the three taxing jurisdictions; however, the alternative of litigation is expensive and time-consuming, with the outcome far more uncertain, 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, 2009 agreement.

SEQR ACTION: TYPE II-20

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

Ms. Schill provided a brief overview of the study, timeline, and work completed. The study was for the area of Route 96 south of Trumansburg to Fulton Street. She said the Towns of Ithaca, Ulysses, City of Ithaca, Tompkins County, ITCTC, and TCAT were involved in the study as a technical review committee, meeting throughout the study period.

The goal of the project was to evaluate traffic impacts that projected growth would have on the corridor. A nodal development pattern was developed, which was a better alternative than sprawl growth. The nodal pattern was projected to show seventy-five percent of all future growth on two nodes, one in the hamlet of Jacksonville and the other at the Cayuga Medical Center area. The report provides recommendations for land use along the corridor specific to municipal use as well as transportation system improvements that would take the New York State Department of Transportation, County, and municipal efforts to reduce overall traffic in the future. All municipalities and ITCTC have passed resolutions of support for the study.

The county's role in the future would be to continue to facilitate intermunicipal planning. A post-study planning group of the original members has met to determine how the information could be used in the comprehensive planning processes and New York State Department of Transportation representatives have met on the corridor to look at particular transportation improvements.

A discussion occurred with the following items highlighted:

- The projections are done over a twenty-year period and have not been changed to reflect the current financial situation. Projections took into account the transportation general impact statement developed at Cornell University and looked at the County as a whole in order to determine where future development would most likely occur. The study also looked at general growth projections for the community and how much of the current population of the community to determine how much was in that traffic shed.
- As a result of the study there could be rezoning. The Town of Ulysses in their Comprehensive Plan is implementing a recommendation to decrease the level of growth outside of the two node areas.
- A park-and-ride shelter for TCAT would cost at least \$50,000. TCAT was comfortable with the recommendations, however they clearly indicated funding for a park-and-ride would require partnership or other investments.
- The study provides input for municipalities in the planning process and is not an action plan. The New York State Department of Transportation was engaged in the process and is interested in participating and would be willing to make improvements if municipalities were committed.
- A concern was expressed regarding land banking, which could result in tax exemptions for real property. Ms. Schill said the land banking suggestion is only a tool for municipal consideration. The item noted within the study was brought forward at the request of the Town of Ulysses.

Ms. Chock suggested language be added that an item for the City of Ithaca to consider when developing their plan is the impact of the City being the only central node versus the suggested development. Mr. Marx will bring the recommendation back to the group for consideration.

The Committee heard about the Town of Ithaca concerns regarding duties of elected officials and the Planning Board as it pertains to development and possible moratorium of building on West Hill due to the rapid development without a plan in place. The Town Board resolution recommended further discussions regarding a possible West Hill study. Mr. Marx said the study is a planning tool, the Town of Ulysses is the only municipality developing a plan and amended theirs as a result of recommendations.

The County is not promoting nodal development in any particular area within the study. As a preferred development plan outlined within the County Comprehensive Plan only the specific area of existing nodes and in a very few areas, promoted nodes throughout the County are being suggested. It is expected in the next several years more information on nodal development in other areas of the county would be reviewed.

Ms. Mackesey believes there is a need for municipalities to deal with concerns in development through their zoning regulations.

The study includes agriculture review and enhances available transportation routes to move agricultural products to various locations. The Agricultural and Farmland Protection Board believes the report is very positive.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Carol Chock, Member
SECONDER:	Pat Pryor, Member
AYES:	Mackesey, Burbank, Chock, Proto, Pryor

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, and

WHEREAS, the principles of the Route 96 Corridor Management Study are consistent with those of the Tompkins County Comprehensive Plan, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the Tompkins County Legislature hereby accepts the Route 96 Corridor Management Study,

RESOLVED, further, That the Tompkins County Legislature 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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Budget Adjustment (DOC 1780)

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Will Burbank, Member
SECONDER:	Frank Proto, Member
AYES:	Mackesey, Burbank, Chock, Proto, Pryor

WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000 require Legislative approval, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Planning

Revenue Acct	Title	Amt	Approp Acct	Title(s)	=
A8027.43959	State Aid Planning	\$65,917	A8027.54400	Program Expense	

Explanation: State Grant for the County Wide Water and Sewer Evaluation Project per Resolution No. 186 of 2008.

SEQR ACTION: TYPE II-20

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Appointments -- Planning Advisory Board (DOC ID: 1781)

The Committee had a brief discussion regarding the attendance record. Mr. Marx said he had spoken to the individuals who have committed to making the meetings on a more regular basis. The Committee agreed to separate the appointments.

RESULT:	RECOMMENDED [4 TO 1]
MOVER:	Will Burbank, Member
SECONDER:	Pat Pryor, Member
AYES:	Pamela Mackesey, Will Burbank, Carol Chock, Pat Pryor
NAYS:	Frank Proto

Planning Advisory Board

Gay Nicholson, At-Large Representative – for a term to expire December 31, 2012.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Will Burbank, Member
SECONDER:	Pat Pryor, Member
AYES:	Mackesey, Burbank, Chock, Proto, Pryor

Planning Advisory Board

Rick Couture, Education Representative – for a term to expire December 31, 2012.

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Liaison Assignment(s)

Ms. Mackesey said she was appointing Ms. Pryor to the Agricultural and Farmland Protection Board as a liaison.

Indicators of Success Report

The Committee agreed that members with questions on the report should contact Ms. Schill.

Tompkins County Planning Department Work Program

Mr. Marx reviewed the Department’s 2010 Work Plan covering goals and projects. The goals and objectives in the plan outlined the highest priorities for the department, which included: a review and recommendations for the five-year action plan; implementation of the Community Housing Fund; Energy and Gas Emissions Element actions and strategies that will be worked on; the County Conservation Plan Part 2, the Agricultural Resource Plan; Develop a plan defining areas of the County where development should be encouraged and supported; work on a proposal combining the efforts of the Flood Hazard Mitigation Program and the County Stream buffer protection program; and administrative support to advisory boards.

Mr. Marx noted the work plan is very ambitious. Last year items such as the Marcellus Shale Gas Drilling concerns and seeking funding through the Federal Stimulus Programs took time away from his original work plan for 2009. He recognizes it will be a challenge to complete the work plan due to being down one staff member for half the year.

A discussion followed and it was noted that assistance on incorporating suggestions in the Route 96 Corridor Management Study would only occur when invited. In response to Ms. Chock's question on the County's economic development strategy, Mr. Marx said the Jobs and Business, and the Committee Service sections highlights many ways economic development activities could occur. Other areas of the plan that have economic development considered is the agricultural resource focus, and the economic development strategy includes housing, and pattern of development as two of the three key strategies along with workforce. The County participates and collaborates with Tompkins County Area Development on a weekly basis on these items. If there is a desire to speak to the economic development strategy it should be addressed to Tompkins County Area Development who is the lead in that area. Ms. Chock said she would like to see the Strategic Tourism Planning Administrator position move ahead.

Ms. Pryor was excused at this time (5:12 p.m.).

Convention and Visitors Bureau Annual Report

Mr. Bonn provided a written report for the Committee showing that although the demand for rooms declined 4.7 percent compared to 2008, the average daily rate only decreased 2.4 percent compared to a national decline of 8.8 percent and statewide decline of 17.0 percent.

The economic impact of tourism study, conducted by Tourism Economics, indicates over \$170 million in tourism-related spending occurred in 2008. This supported 3,423 direct and indirect jobs and generated \$22.5 million in state and local taxes, providing an estimated benefit of \$596 per household in Tompkins County.

In 2009 the Convention and Visitor's Bureau generated 18,535 requests for travel information, which estimates to 10,571 visits in the community with the average stay of 3.6 nights, \$216 per day spending. Based on these figures, marketing efforts equal \$8.2 million with an estimated additional \$41 million of tourism related spending.

Group Sales for meetings and conferences resulted in 7,940 room nights with an estimated economic impact of \$2.1 million.

The overall return on investment, total combined economic impact (10.3 million) / 2009 funding for the tourism program (\$869,200) comes to \$11.85.

Mr. Bonn reported on the success of the new visitor's office on the Ithaca Commons as well as website traffic. This month the Winter Recess Teacher's Festival is expected to exceed the 2008 attendance (425 room nights). He also shared copies of articles produced by staff appearing in well-known media.

Ms. Chock asked about the Chmura Report. Mr. Bonn said information should be received shortly.

Mr. Bonn said the Strategic Tourism Planning Board's foresight to reduce the budget in anticipation of decreased tourism due to the economy assisted in allowing programs to move ahead in a productive manner. He thanked the County for their support.

Minutes
Planning, Development, and Environmental Quality Committee
Wednesday, February 3, 2010

Appointment of Members/Liaisons

It was the consensus of members present to add the following appointment to the Agricultural and Farmland Protection Board.

It was MOVED by Mr. Burbank, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to recommend the appointment of Frank Proto to the Agricultural and Farmland Protection Board for a term to expire December 31, 2013.

Ms. Mackesey indicated Ms. Pryor has an interest in serving as liaison to the Agricultural and Farmland Protection Board. A brief discussion followed and it was decided to have members contact Ms. Mackesey with their preference for liaison positions.

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, to recommend the appointment of Pam Mackesey to the Soil and Water Conservation District for a term to expire December 31, 2010. APPOINTMENT RECOMMENDED.

Adjournment

On motion the meeting adjourned at 5:32 p.m.