



DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

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Meeting Minutes

Cayuga County GML 239-l, m & n Review Committee

January 21, 2021

The Cayuga County GML 239-l, m & n Review Committee was established in 2005 by Cayuga County Legislature Resolution 413-05 as the agency to conduct mandatory reviews in Cayuga County under sections 239-l, 239-m, and 239-n of the General Municipal Law of New York State. The Committee meets monthly to review local actions for potential intermunicipal or countywide impacts.

The meeting was called to order at 9:05 AM via conference call using 8x8 software.

The following committee members were present:

Planning Department:	Steve Lynch
Soil & Water Conservation District:	Brian Hall
Highway Department:	Rich Wheeling

A quorum was thereby established.

MINUTES:

Minutes from December 19, 2020:

MOTION BY: Steve Lynch

Recommend approval

SECOND BY: Brian Hall

All vote AYE

Motion Approved and Carried.

The following municipal matters were submitted to the Committee for consideration pursuant to New York State General Municipal Law §239-l, m, & n:

1. Village of Union Springs – Site Plan – Solar Facility

The Committee carefully considered the materials provided by the Village related to the proposed Site Plan. Based on the information submitted, the Committee determined that the proposal has no intermunicipal concerns and is of local concern only.

MOTION BY: Steve Lynch

The proposal has no intermunicipal concerns and is of local concern only.

SECOND BY: Rich Wheeling

All vote AYE

Motion Approved and Carried.

2. Town of Sennett – Local Law – Rezone to Planned Development District

The Committee carefully considered the materials provided by the Town related to the proposed Local Law. Based on the information submitted, the Committee determined that the proposal has no intermunicipal concerns and is of local concern only, with comments.

MOTION BY: Steve Lynch

The proposal has no intermunicipal concerns and is of local concern only, with the following comments:

The 239 Committee review was for the proposed PDD for the 10-acre parcel only. The applicant should clarify to the Town Board that the proposed Planned Development District is for the proposed 10-acre parcel and not the entire 32.05-acre property, as some of the materials submitted for review indicated otherwise (see letter dated November 13, 2020 from Napierala Consulting to the Town of Sennett in the application packet). If the applicant would like to rezone more than the 10-acre parcel PDD, an additional review per GML 239-l, -m, and -n statutes would be required.

SECOND BY: Brian Hall

All vote AYE

Motion Approved and Carried

3. Town of Aurelius – Subdivision – River Road

The Committee carefully considered the materials provided by the Town related to the proposed Subdivision. Based on the information submitted, the Committee determined that the proposal has no intermunicipal concerns and is of local concern only, with comments.

MOTION BY: Steve Lynch

The proposal has no intermunicipal concerns and is of local concern only, with the following comments:

The Short Environmental Assessment Form (Part 1 of SEQR) should be amended to indicate whether the property is within the 100-year floodplain.

SECOND BY: Rich Wheeling

All vote AYE

Motion Approved and Carried.

4. Village of Weedsport – Local Law – Sidewalk Law

The Committee carefully considered the materials provided by the Village related to the proposed Local Law. Based on the information submitted, the Committee determined that the proposal has no intermunicipal concerns and is of local concern only.

MOTION BY: Brian Hall

The proposal has no intermunicipal concerns and is of local concern only.

SECOND BY: Rich Wheeling

All vote AYE

Motion Approved and Carried.

5. Town of Fleming – Local Law – Abolish Planning Board

The Committee carefully considered the materials provided by the Village related to the proposed Local Law. Based on the information submitted, the Committee determined that the proposal has no intermunicipal concerns and is of local concern only, with comments.

MOTION BY: Steve Lynch

The proposal has no intermunicipal concerns and is of local concern only, with the following comments:

Section 4.1 of the proposed Local Law states that “wherever the term ‘Planning Board’ appears in any local laws of the Town of Fleming, said term shall mean the Zoning Board of Appeals as established by this local law.” While New York State Town Law 274-a allows a Town Board to grant additional powers and duties to the ZBA by local law or ordinance, including Site Plan Review and Special Use Permits, NYS Town Law for Subdivision (Town Law 276) may be interpreted as only allowing a Planning Board to review and approve preliminary and final plats (e.g., Subdivisions). The Town may wish to clarify interpretation of NYS Town Law 276 regarding boards that can be authorized to review and approve Subdivisions to ensure this authority can be transferred to the ZBA as proposed by the local law.

Section 4.3 of the proposed Local Law, which grants authority to the Town Board to hear appeals to ZBA decisions, should also be reviewed relative to NYS statutes. It is not clear that state statutes allow for the appeal of a ZBA decision to move on to a Town Board.

A note on the challenges of a single ZBA Board and an option to consider:

The quasi-judicial powers that NYS grants to Zoning Board of Appeals when considering Use Variances, Area Variances and other Appeals, differs significantly from the authority to review other land use matters, such as Site Plans, Special Use Permits and the like. There are record-keeping and administrative challenges inherent in combining these powers under a single board (ZBA) to ensure documentation of actions taken during meetings follow the specific criteria and requirements established for these very different review authorities. One approach the Town may wish to consider could be to appoint the same individuals to the ZBA and to the Planning Board. Under this framework, the Planning Board would remain in place and meetings of the ZBA and Planning Boards – consisting of the same members – could be scheduled on the same date, sequentially opening, taking actions and closing the individual board meetings in turn and administratively separating and documenting the actions of the two boards.

County Planning staff is available to further discuss the merits and potential implications of the Town’s options to review land use applications in the event that the Planning Board is dissolved.

SECOND BY: Rich Wheeling

All vote AYE

Motion Approved and Carried.