

Minutes
Cayuga County Planning Board ❖ NYS GML 239 Review Meeting
April 19, 2012

The meeting was called to order at 9:03 AM in the Conference Room on the 5th floor of the County Office Building, 160 Genesee Street, Auburn NY 13021.

The following committee members were present: **Eileen O'Connor, Steve Lynch, Doug Kierst and Bruce Natale. Steve Koon was excused.** A quorum was thereby established.

Others present: Geoff Milz (Staff)

MINUTES:

Minutes from January 19, 2012:

MOTION BY EILEEN O'CONNOR: Approve minutes.

SECOND BY DOUG KIERST: All members vote AYE. **Motion Approved and Carried**

Minutes from February 16, 2012:

MOTION BY EILEEN O'CONNOR: Approve minutes.

SECOND BY DOUG KIERST: All members vote AYE. **Motion Approved and Carried**

The following municipal matters were submitted to the Committee for consideration pursuant to GML 239:

1. **Town of Genoa – Local Law #? of 2012 – Moratorium and Prohibition of Natural Gas and Petroleum Exploration**

The Committee carefully considered the proposed local law. Mr. Natale raised his concern that the local law violates the interstate commerce clause of the US constitution and reiterated that he did not believe there would be shale gas development in Genoa. Other members opined that the law was similar to other moratoria that had been reviewed by the 239 Review Committee and that the Town of Genoa moratorium would not result in any negative intermunicipal impacts.

MOTION BY STEVE LYNCH: Approve with one comment:

Comment #1: There appear to be no intermunicipal impacts.

SECOND BY EILEEN O'CONNOR: Steve Lynch, Eileen O'Connor & Doug Kierst vote AYE.
Bruce Natale votes NAY.

By a vote of 3 to 1 the motion is Approved and Carried.

2. Town of Brutus – Special Use Permit – Archery Shop at 8465 Cooper Road

The Committee carefully considered the materials provided by the Town related to the application for a special use permit to operate an archery shop in his garage at 8465 Cooper Road. The Committee could find no negative intermunicipal impacts associated with the approval of the special use permit.

MOTION BY STEVE LYNCH: Approve the action

SECOND BY EILEEN O'CONNOR: All members vote AYE. **Motion Approved and Carried.**

3. Town of Mentz – Use Variance – Route 31

The Committee carefully considered the materials provided by the Town related to the application for a use variance. Members were reminded of the unnecessary hardship test that state statute mandates a local ZBA use when determining whether or not to grant a use variance. In its review of potential intermunicipal impacts, the Committee could find none.

MOTION BY EILEEN O'CONNOR: Approve with one comment:

Comment #1: There appear to be no intermunicipal impacts.

SECOND BY DOUG KIERST: All members vote AYE. **Motion Approved and Carried.**

4. Village of Union Springs – Use Variance – Off-Premises Sign on Route 90

The Committee carefully considered the materials provided by the Village related to the application for a use variance. Members were reminded of the unnecessary hardship test that state statute mandates a local ZBA use when determining whether or not to grant a use variance. In its review of potential intermunicipal impacts, the Committee could find none.

MOTION BY STEVE LYNCH: Approve with one comment:

Comment #1: There appear to be no intermunicipal impacts.

SECOND BY BRUCE NATALE: All members vote AYE. **Motion Approved and Carried.**

The following municipal matters were submitted to the Committee for informal review:

1. **Town of Summerhill – Local Law 2 of 2012 – Excavation and Construction in Municipal Roadways**
2. **Town of Summerhill – Local Law 3 of 2012 – Road Use and Preservation Law**

The Committee reviewed the two proposed laws and made the following comments:

1. Section 5.2(D) of the Excavation and Construction in Municipal Roadways Law refers to an old version of the SPDES General Permit for Construction Activities
2. There was some concern that industries like timber and logging could get caught in the road use and preservation law.
3. Timing of intense road use can effect the degradation of the road. Spring road use is worse for the road than winter or summer use.

Motion to adjourn by Doug Kierst, Second by Steve Lynch/ all approving. Adjourned at 9:46AM. The next regularly scheduled meeting is Thursday, May 17, 2012 at 9:00 AM.