

**Minutes
Cayuga County GML 239-l, m & n Review Committee
April 17, 2014**

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 9:10 AM in the Conference Room on the 5th floor of the County Office Building at 160 Genesee Street in Auburn, New York.

The following committee members were present:

Director of Planning and Development:	Nick Colas (designee)
Director of Environmental Health:	Eileen O'Connor
Superintendent of Highways:	Steve Koon (designee)
Environmental Engineer:	excused
Director of Soil and Water Conservation:	John Fraser (designee)

A quorum was thereby established.

Others present: Gabriel Holbrow (staff).

MINUTES:

Minutes from January 16 and March 20, 2014: Review was postponed because there was not a quorum of members who had been present at those meetings.

Minutes from February 20, 2014:

MOTION BY NICK COLAS: Approve minutes as submitted.

SECOND BY JOHN FRASER: 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. Town of Sterling – Land Use Regulations

The Committee carefully considered the materials provided by the Town related to the comprehensive update to the Town’s land use regulations. The Committee reviewed the background up to this point, including the town’s Comprehensive Plan adopted in 2010, the Zoning Commission that has been working for the past few years, and the informal review of the draft regulations by the county planning department in fall of 2013. The Committee discussed the Natural Resource Protection Overlays as well as the review requirements for PDDs, subdivisions, and site plan, and took time to discuss the regulations for stormwater management in detail. Committee members offered several specific comments regarding stormwater management.

MOTION BY EILEEN O’CONNOR: The action appears to have no intermunicipal concerns and to be of local concern only.

Comment 1: §20-2.A. mentions an outdated permit number for the SPDES General Permit for Construction Activities. The current permit number is GP-0-10-001.

Comment 2: §20-3.B. provides that the Town Highway Superintendent, acting as the designated Stormwater Management Officer, may engage the services of professional engineers to review stormwater management plans and documents. The Town should be aware that the staff of the Cayuga County Soil & Water Conservation District is available as a resource to assist the Stormwater Management Officer in these reviews.

Comment 3: §20-4.A. exempts “agricultural activities” from stormwater management review. However, “agricultural activities” appear not to be defined anywhere in the regulations. The Town could use the definition included in the Sample Local Law for Stormwater Management and Erosion & Sediment Control prepared by the NYS Department of Environmental Conservation in 2006, which reads: “Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.” The Town can also craft a definition following the permitting requirements for agriculture, as summarized in the attached handout “Permitting Requirements for Implementation of Agricultural Best Management Practices.”

- Comment 4:** §20-4.C. exempts “routine maintenance activities that disturb less than five acres” from stormwater management review. The Town should be aware and should make sure that applicants are aware that maintenance activities that disturb more than one acre may be required to have a SPDES permit, even if exempted from town-level review by this section. Committee members confirmed with the NYS DEC that the exemption for “routine maintenance activities” in the SPDES permit itself applies to road repaving and not necessarily to other types of non-road maintenance that disturb more than one acre.
- Comment 5:** §20-10.E. provides that the Town may establish a special drainage district “to provide essential funds for long-term maintenance.” Committee members are aware of special drainage districts in other towns that have not raised enough funds to cover the on-going costs of maintenance, including costs for engineering, materials, and construction related to the maintenance. If the Town establishes any special drainage districts, it should ensure that district property owners are charged enough to pay for adequate long-term maintenance.
- Comment 6:** §20-10.F-G. provide for inspection by the Stormwater Management Officer. The Town should be aware that developers are required under the SPDES permit to hire a third-party certified inspector to conduct weekly inspections, and that the Stormwater Management Officer can review this inspector’s reports to aid in his own inspection.
- Comment 7:** The Cayuga County Soil & Water Conservation District regularly offers four-hour training sessions on erosion and sediment control. Because the Town Highway Superintendent will be the designated Stormwater Management Officer under these regulations, the Committee recommends that the Highway Superintendent attend one of these training sessions.

SECOND BY NICK COLAS: All vote AYE.

Motion Approved and Carried.

Motion to adjourn by Eileen O’Connor. Seconded by Steve Koon. All approving.
Adjourned at 9:53 AM.

Minutes submitted by Gabriel Holbrow (staff).

Minutes approved as amended by the Committee on May 15, 2014.