

**Approved Minutes
Cayuga County GML 239-l, m & n Review Committee
December 18, 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 9:06 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:	Steve Lynch
Director of Environmental Health:	Eileen O'Connor
Superintendent of Highways:	Steve Koon
Environmental Engineer:	Bruce Natale
Director of Soil and Water Conservation:	John Fraser (designee)

A quorum was thereby established.

Others present: Kari Terwilliger (Planning Staff)

MINUTES:

Minutes from October 16 and November 20, 2014:

MOTION BY STEVE LYNCH: Approve all minutes with no changes.

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 Owasco – PDD Application, 89 Letchworth Street

The Committee carefully considered the materials provided by the Town related to the proposed PDD for a former church property located at 89 Letchworth Street in the town. The Committee discussed that this type of activity by the proposed occupant has been done on a temporary basis in other locations in Auburn in the past without significant negative impacts to neighbors; and that the proposed changes to the church building are all interior and that noise should not be an issue for

neighboring properties based on the description of proposed sound proofing. The Committee determined that the proposed project is a good adaptive reuse of a vacant church building and that the proposal meets all of the Town's PDD requirements.

MOTION BY STEVE LYNCH:

The action appears to have no intermunicipal concerns and to be of local concern only.

SECOND BY EILEEN O'CONNOR:

All voted AYE.

Motion Approved and Carried.

2. Town of Owasco – Special Use Permit Application, 6140 Oakridge Road

The Committee carefully considered the materials provided by the Town related to the proposed Special Use Permit Application to convert a single-family dwelling to a two-family dwelling at 6140 Oakridge Road in the town. It was noted that the Town was recently made aware that this property is served by a septic system and is not currently hooked up to the municipal sewer service which runs down Oakridge Road. The Committee also noted that there are apparently other properties on Oakridge Road which are served by individual septic systems and are not hooked to the Town's sewer system.

MOTION BY STEVE LYNCH:

The Committee approved the proposed action with the following changes.

- The Committee requests that the Town Board require the property owners to connect to the Town's sewer system; and have the current on-site septic system properly abandoned by having the tank pumped out and then removed or filled with inert material.

SECOND BY EILEEN O'CONNOR:

All voted AYE.

Motion Approved and Carried.

3. Town of Locke – Mobile Home Park Expansion, 688 Old Genoa Road

The Committee carefully considered the materials provided by the Town related to the proposed Mobile Home Park expansion application for the Brookside Mobile Home Park located at 688 Old Genoa Road in the town. The Committee discussed several concerns that they had with the proposed project. It was stated that the bridge on Old Genoa Road which provides the only point of egress into and out of the mobile home park is very vulnerable to flooding and wash out, and that by adding more housing lots to the park more people will be at risk of being stranded if the bridge washes out. It was also stated that the centerline of the stream runs along the rear property line of several lots (as shown on the plan) and that the banks of the stream are primarily gravel and a large amount of fill will be needed in order to fill in the floodplain so that it can be built on. The Committee noted that by filling such a large area of the floodplain, there will be increased risk for flooding of properties downstream

since the water that would normally be dissipated through the property in question would no longer be able to do so if the property were filled. After careful examination of the engineer's drawings, FEMA floodplain maps, and County GIS aerial imagery maps of the site, it was determined that the line marked by the engineer as "approximate creek path" is actually the centerline of the stream and that it passes right on or in very close proximity to the rear lot line of lots 6 through 14 (a significant portion of the actual stream bed occupies the rear of these same lots). This stream is known to have a high risk for flash floods and there is added concern that these lots could be severely undermined by regular flow and flooding waters. The Committee also discussed the proposed play area that is shown over the septic dispersion system area (leach field) and how the County Health Department does not permit anything other than landscaping over such an area. Finally, the Committee discussed fire protection concerns for the proposal including the location and potential capacity of the proposed standpipe, the increased risk of fire hazard to homes in the park if lots are allowed to be narrower (50ft instead of 60ft), especially of a fire spreading more quickly from home to home; as well as concerns over the ability of fire and rescue crews to access any of the lots in this development if there is a flood or other structural integrity problem with the bridge on Old Genoa Road (since the entire development is on a dead end cul-de-sac).

MOTION BY JOHN FRASER:

The Committee disapproved the proposed action for the following reasons:

1. The majority of proposed lots 1-16 are in the 100 Year Floodplain and if the property owner is allowed to fill in this area there will be significant negative impacts downstream including increased flooding; increased sedimentation in Owasco Lake; a significant loss of natural buffer areas that currently allow infiltration and prevent sediment flow into the stream; and an increase in non-point runoff into the stream and ultimately into Owasco Lake from an increase in impervious surfaces in this area.
2. There are too many lots proposed too close to the stream. The centerline of the stream is immediately adjacent to the rear lot lines of lots 6 through 14. Future flooding events could undermine these lots and the foundations of the mobile homes placed on them. The County's experience with this particular stream indicates that it is highly flood prone and carries a high volume of water.

Additional Comments and Concerns from the
Committee:

- The Committee is very concerned about the increase in the number of people that would be living on a cul-de-sac that would be potentially stranded and unable to receive emergency care if the bridge on Old Genoa Road failed or was flooded out since that is the only point of egress for the park.
- The Committee is concerned that there is not enough capacity in the stream for the proposed standpipe; and recommends that the Town hire an engineer to review the fire safety plan for the proposal to determine if the design of the pipe/system and capacity of the stream during wet and dry seasons are adequate.
- The Committee is concerned about the proposed Stormwater Pollution Prevention Plan (SWPPP) recommendations for this site, which they did not receive a copy of, because the site includes steep slopes (>25% according to the soil survey) and in an AA or AA-s watershed (Owasco Lake). Therefore, the property owner will be required by NYS DEC to obtain an individual stormwater permit for this project; and therefore the NYS DEC would have to review the proposed SWPPP as part of the individual permit application process and can require any necessary changes.
- The County Health Department prohibits the installation of septic systems in floodplains unless the bottom of the infrastructure is at least two feet above the floodplain. The County Health Department also would not permit a playground to be built on top of a septic system leach field. The department has also experienced that large commercial leach fields often have major operational problems.
- While reviewing the SEQR forms submitted by the applicant, the Committee noticed two

things. First, the Committee believes this proposal to be a Type I SEQR action under Section 97.14 of the NYS Public Health Law and therefore the completion of a Full EAF, not the short form as provided by the applicant, is required. Second, under Part 1 item 2 on page one, the applicant checked “No” when answering the question “Does the proposed action require a permit, approval or funding from any other governmental agency?”. They should have checked yes. To the Committee’s knowledge, at least the following permits are/may be required for this project:

- A permit from NYS DEC is required in order to draw 100,000 or more gallons per day of water from a stream, even if it is only for an emergency (i.e. using the standpipe for fighting fires).
- Stream Disturbance (NYS DEC)
- Floodplain Development and Fill (Town of Locke)
- Freshwater Wetlands (US Army Corps)
- Septic System Permit (County Health Dept)
- Mobile Home Park Permit (County Health Dept)
- Stormwater Discharges from Construction Activity (NYS DEC)
- Lastly, the Committee would like to emphasize certain sections of the Town of Locke Mobile Home Law, Local Law No. 2 of the year 1987, and encourage the Town to look at the proposed project closely as it relates to the following requirements:
 - Article V, Section 7, 2 states “The reviewing agency shall not approve any Mobile home park plan which fails to show compliance with the following standards.”

- Subsection B: “A mobile home park shall be located on a well drained site suitable for the purpose, with a paved entrance road of at least 33 feet wide and approved by the Town Highway Superintendent and Fire Chief.”
- Subsection J: “County Health Dept. approval of water and sewage disposal facilities.”
- Subsection K: “Method for storm drainage disposal.”
- Subsection N: “Provisions shall be made for fire protection by including not less than a water source (pond) of 50,000 gallons for each 10 mobile homes.”
- Subsection Q: “Improvements, alterations or expansion of any existing mobile home park shall be subject to the guidelines for mobile home parks establishments as well as conforming to all applicable state, county and town building and health laws and use provisions. See amended Local Law #3 of 1995.”

SECOND BY STEVE KOON:

All voted AYE.

Motion Approved and Carried.

4. Town of Mentz – Joint Town & Village Comprehensive Plan

The Committee carefully considered the materials provided by the Town related to the proposed Comprehensive Plan for the Town of Mentz and the Village of Port Byron. The Committee noted that the plan was primarily written by the Town and Village Planning Boards with minimal help from the County Planning Department just in the past few months to help format the plan. The Town and

Village were commended for working together to develop a cohesive strategy for future development in their community, as well as for their goals for farmland protection, downtown revitalization, and increased recreational opportunities in the community. The Committee discussed additional historic and natural resources not mentioned in the plan, currently held in private ownership, that they would like to see preserved in the future. The Committee determined that the proposed land use map was consistent with adjacent communities and that the plan contained primarily good goals that did not appear to create any intermunicipal impacts.

MOTION BY STEVE LYNCH:

The Committee approved the proposed action without changes.

SECOND BY EILEEN O'CONNOR:

All voted AYE.

Motion Approved and Carried.

**Motion to adjourn by Steve Lynch. Seconded by John Fraser. All approving.
Adjourned at 10:12 AM.**

Minutes submitted by Kari Terwilliger (staff).