

Minutes
Cayuga County Committee for Review under NYS GML §§239-l, m & n
February 21, 2013

The meeting was called to order at 9:04 AM in 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**
Environmental Engineer: **Bruce Natale**
Superintendent of Highways: **Rich Wheeling** (designee)
Director of Soil and Water Conservation: **Doug Kierst**

A quorum was thereby established.

Others present: Gabriel Holbrow (staff)

MINUTES:

Minutes from January 17, 2013:

MOTION BY EILEEN O'CONNOR: Approve minutes.

SECOND BY DOUG KIERST: Doug, Kierst, Bruce Natale, and Eileen O'Connor vote AYE. Steve Lynch and Rich Wheeling abstained because they were not present at all of the January 17 meeting.

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 Aurelius – Site Plan – Andrews, 5919 Wayne's Point Road

The Committee carefully considered the materials provided by the Town related to the proposed additions to the lake house. The committee discussed the potential flood hazard of the site and the requirements of the NYS Uniform Fire Prevention and Building Code. The 2010 Residential Code of New York State at Section R324 "Flood-Resistant Construction" requires that all floors be at least two feet above the base flood elevation, or be built and maintained to standards to withstand regular flooding. Based on the information included in the referral, the Committee could not

determine if the additions as proposed would meet those standards. The Committee noted that applicant may need to provide an elevation survey for the Town to determine the elevation of the structure and whether it is in the flood plain of Cayuga Lake. The base flood elevation of Cayuga Lake is listed on FEMA flood maps at 386 feet, referenced to the North American Vertical Datum of 1988 (NAVD88). Committee members agreed that proper enforcement of the building code and the Town's Flood Damage Prevention Law was an intermunicipal issue in this case because frequent flooding of an inhabited space could bring debris and contamination into the lake.

The Committee discussed the requirements of the county health department for septic systems. Under NYS Sanitary Code, the county Board of Health has discretion to approve or deny waste disposal systems for projects including any expansion of the square footage of a home. The Cayuga County Board of Health has a policy to require upgrades to lakeshore septic systems whenever there is any expansion, so the Committee members presumed that the Board of Health would likely require this project to upgrade its septic system. The Committee discussed that municipal water and sewer service is planned to be extended Wayne's Point Road, but noted that this project appears to be on a timeline to start and finish construction before municipal water and sewer is available.

MOTION BY BRUCE NATALE: Approve with three comments:

Comment #1: The proposed additions must conform to provisions of the New York State building code for design flood elevations and flood-resistant construction.

Comment #2: The proposal appears to require a Floodplain Development Permit from the Town for construction in the floodplain.

Comment #3: If the project moves forward before sewer is available, it will need approval from the county health department for waste water disposal prior to initiating construction.

SECOND BY DOUG KIERST: All vote AYE.

Motion Approved and Carried.

OTHER BUSINESS:

The Committee discussed its procedures for referrals and the guidelines that the county planning department gives to Towns and Village regarding referrals to the Committee. The Committee discussed whether a completed application for a Floodplain Development Permit should be required as part of a complete referral for projects such as this that may require such a permit. Committee members agreed that the determination of what is a complete application, and whether that would include an application for a Floodplain Development Permit, is up to the discretion of

the Town or Village that makes the referral to the Committee. Therefore, the Committee should not require a complete referral to include an application for a Floodplain Development Permit, but should continue to add comments for projects where it advises that a floodplain permit or any other permit seems to be required.

The Committee discussed clarifying referral procedures and updating the guidelines for referral that the county planning department provides to Towns and Villages. Over the coming months, Committee members and staff plan to raise questions about referral procedures to the Committee as they arise, working toward to a draft of new updated guidelines sometime in the summer or fall. Committee members suggested that such a draft also be made available to Towns and Villages for comment before being adopted.

**Motion to adjourn by Doug Kierst. Seconded by Steve Lynch. All approving.
Adjourned at 9:42 AM.**

The next regularly scheduled meeting is 9:00 AM on Thursday, March 21, 2013.