

Minutes
Cayuga County Committee for Review under NYS GML §§239-l, m & n
January 17, 2013

The meeting was called to order at 9:00 AM in Caucus Room 1 on the 6th 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)
Steve Lynch (entered at 9:50 AM)

Director of Environmental Health: **Eileen O'Connor**

Environmental Engineer: **Bruce Natale**

Superintendent of Highways: **Steve Koon** (designee)

Director of Soil and Water Conservation: **Doug Kierst** (designee)

A quorum was thereby established.

Others present: Gabriel Holbrow (staff); 10 members of the public.

MINUTES:

Minutes from November 15, 2012:

Review of the November minutes was postponed until Steve Lynch came to the meeting.

Minutes from December 20, 2012:

MOTION BY EILEEN O'CONNOR: Approve minutes.

SECOND BY DOUG KIERST: 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 Sennett – Site Plan – Bucket BBQ, 3193 East Genesee Street Road

The Committee carefully considered the site plan and materials provided by the Town related to the proposed shed addition to the restaurant. The Committee discussed the proposal in relation to the committee's criteria for determining intermunicipal or countywide impact, noting that the proposal does not significantly change the use or activity of the site.

MOTION BY DOUG KIERST: Return the matter without comment since it appears to have no intermunicipal concerns and to be of local concern only.

SECOND BY STEVE KOON: All vote AYE.

Motion Approved and Carried.

2. Town of Sennett – Local Law – Amendment to Zoning Ordinance

The Committee carefully considered the materials provided by the Town related to the proposed Local Law amending the Town's Zoning Ordinance. The Committee reviewed the effects of the proposed law, which include widening the rights for non-conforming uses to be expanded or restored as well as narrowing the actions subject to site plan review. The Committee discussed the approximate number and nature of existing non-conforming uses in the town. Committee members commented that this decision should be in the Town's hands.

MOTION BY EILEEN O'CONNOR: Return the matter without comment since it appears to have no intermunicipal concerns and to be of local concern only.

SECOND BY DOUG KIERST: All vote AYE.

Motion Approved and Carried.

3. Town of Aurelius – Site Plan – Mosca, 5885 Wayne's Point Road

The Committee carefully considered the materials provided by the Town related to the proposed garage with living space above. The Committee discussed the conservation restriction and the storm drain mentioned in the applicant's narrative. According to email and telephone correspondence with the applicant, the conservation restriction is an agreement among the property owners not to develop on the uphill portions of their lots that were at one time part of one commonly owned parcel. As such, the conservation agreement was not established to protect a natural feature of countywide or intermunicipal significance, and thus is of only local concern.

The Committee discussed stormwater flows and flooding in this lakeshore area, noting that the proposal is well above the flood level of the lake but that it would increase the impervious surface on the site.

The Committee noted that the applicant has stated his intention that this project is contingent on public sewer and water coming to the area. However, absent specific conditions established by the planning board, approval of this site plan would permit the project under the existing conditions for septic and water. Committee members agreed that the site layout does allow for several possible ways to develop the proposal under existing conditions, including installing an enlarged septic system on the uphill portion of the lot, but that none of the options are preferable to waiting for public sewer. Committee members commented that the existing leach fields could be used to treat roof runoff after the sewer has taken over management of the residential waste water.

Committee members noted that the garage and living space is proposed as an accessory structure, but could be used as a residence or rental in the future. This has the potential to be a local issue by changing the character of the neighborhood, but is not at a large enough scale to be an intermunicipal issue.

MOTION BY DOUG KIEST:

Approve with four comments:

Comment #1: The Committee strongly recommends infiltration practices such as permeable paving and rain gardens to treat the increase in stormwater runoff caused by the increase in impervious surface.

Comment #2: The Committee strongly recommends protecting the existing storm drain during construction so that it can continue to filter sediment before runoff reaches the lake.

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.

Comment #4: The Town should keep in mind that the proposed structure could be used as a residence or rental in the future.

SECOND BY STEVE KOON: All vote AYE.

Motion Approved and Carried.

4. Town of Aurelius – Site Plan – Schauss, 5877 Wayne’s Point Road

The Committee carefully considered the materials provided by the Town related to the proposed lake house. Mr. Holbrow reported that he confirmed with the project architect by telephone that the proposed basement level is at 386.75 feet, which is eight inches above the FEMA-established base flood elevation of Cayuga Lake. The building code 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 basement as proposed would meet those standards. Committee members agreed that proper enforcement of the building code was an intermunicipal issue in this case because frequent flooding of an inhabited space could bring debris and contamination into the lake.

The Committee noted that the applicant has stated her intention that this project is contingent on public sewer and water coming to the area. However, absent specific conditions established by the planning board, approval of this site plan would permit the project under the existing conditions for septic and water. Committee members agreed that the site layout does allow for several possible ways to develop the proposal under existing conditions, but that none of the options are preferable to waiting for public sewer.

MOTION BY BRUCE NATALE: Approve with four comments:

Comment #1: The proposed structure 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 excavation and construction in the floodplain.

Comment #3: Any proposed elements, including pillars or seawall blocks, at or below the mean high water mark of the lake will require a Joint Application for Permit to the NYS DEC and the Army Corps of Engineers.

Comment #4: 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.

Steve Lynch entered the meeting.

Minutes from November 15, 2012:

MOTION BY STEVE LYNCH: Approve minutes.

SECOND BY DOUG KIERST: Doug Kierst, Steve Lynch, and Bruce Natale vote AYE.

Motion Approved and Carried.

**Motion to adjourn by Doug Kierst. Seconded by Steve Lynch. All approving.
Adjourned at 9:56 PM.**

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