

**Approved Minutes
Cayuga County GML 239-l, m & n Review Committee
January 15, 2015**

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 9:05 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), Andrew Snell (Watershed Specialist- Owasco Lake Insp. Program), Jack Canty (Property Owner/Developer of agenda item #2), Robert J. Brenner (Attorney with Nixon Peabody, LLP representing Verizon Wireless for agenda items #3 & #4)

1. Minutes

Minutes from December 18, 2014:

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

SECOND BY EILEEN O'CONNOR: 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:

2. Town of Owasco – Preliminary Subdivision Application, Fire Lane 6A- off East Lake Road

The Committee carefully considered the materials provided by the Town related to the proposed preliminary subdivision (Boyle Lakeside Subdivision) owned by John and Maureen Canty, parcel number 131.03-1-27, located on Fire Lane 6A off East Lake Road. The Committee looked closely at the

erosion and sediment control plan (sheet ST-4 of the submitted plans) for the proposed subdivision. The Committee also asked Mr. Canty to please briefly inform the Committee about the existing conditions of the site and his intentions for the subdivision. Mr. Canty obliged and stated that while the map showed a total of 6 lots, lot 4 will be sold/deeded to his neighbor and become part of parcel #131.03-1-26.2 (Spillman); lot 6 will remain as his parcel around his existing cabin; and a 7,234 square feet (non-building lot) will be sold/deeded to his neighbor and become part of parcel #131.01-1-28 (Vitale) leaving a total of 4 new building lots. Mr. Canty also stated that he is proposing to widen and realign Firelane 6A, taking the existing loop portion of the road out, and in so doing change the road from a 9 foot wide gravel drive to a 20 foot paved drive with an emergency turn around at the bottom. Mr. Canty stated that he will not be building houses to sell on the lots, but rather installing necessary infrastructure including water, sewer and drainage for each lot and then sell them as residential building lots and buyers will be responsible for constructing their own homes. Mr. Canty explained that the Spillman property is currently accessed by Fire Lane 5, his property is accessed by Fire Lane 6A, and the Vitale property is accessed by Fire Lane 6B which runs immediately adjacent to 6A. He stated that Fire Lane 6A will remain a private road (as 5 and 6B are also) with a cross easement and maintenance agreement that will be executed for each of the lots created in this proposed subdivision.

The Committee discussed their concerns regarding water quality and lake quality with the proposed increase in impervious surfaces that will result from this development, citing that any potential degradation of water quality in Owasco Lake is cause for concern and shall be considered an intermunicipal impact. The Committee was concerned with treating the quality and not just the quantity of water entering the lake given the site's proximity to the Town of Owasco's water intake for their public water system. The Committee considered recommending a retention basin at the lower end of the proposed rock-lined ditch alongside of Fire Lane 6A. The retention basin would help to remove and contain sediment and pollutants from the runoff before it enters the lake. The Committee stated that they would like to see both sides of Fire Lane 6A addressed with erosion and sediment control measures; and stressed the need for future coordination with the owners of Fire Lane 6B (Vitale) to control stormwater runoff, especially if Fire Lane 6A is paved. The Committee also stated that a diversion ditch along the eastern edge of clearing for lots 1 through 3 should be installed during initial construction to help control runoff, reduce erosion, and protect the new homes as a permanent runoff control practice. The Committee also discussed the fact that construction trucks and equipment will track mud and debris up the road from the site during construction and that measures should be taken to prevent this sediment from sheet flowing down Fire Lane 6A from State Route 38A and into the lake. The Committee considered making a motion to approve the proposal with changes and began to list a number of specific erosion and sediment control measures that should be considered or implemented in order to protect the water quality of the lake. The Committee then, after speaking with Mr. Canty, determined that it would be better to wait and require that a copy of a detailed Stormwater Pollution Prevention Plan (SWPPP) including calculations for projected water quantities, as a result of the proposed development, be prepared by the project engineer and submitted back to the Committee for review so that any recommendations or required changes be made as a result of the data provided. Mr. Canty agreed that he would get the information for the Committee so that they could make more informed recommendations for erosion and sediment control for the development. The initial changes that they Committee wanted to see, prior to determining that they need more information, were:

- At the base of the Fire Lane 6A ditches there should be some type of permanent water quantity and quality control structure, such as a retention basin, that would help to reduce velocities and contain silt, salt, and other pollutants. This structure(s) should address the runoff from both sides of Fire Lane 6A. The current Erosion and Sediment Control plan includes rock lining the north side of Fire Lane 6A. However, if space allows, the landowner may also want to consider rock-lining the swale along the south side of Fire Lane 6A as well. This would help to prevent undermining of the fire lanes due to increased runoff velocities from the newly paved surface.
- There needs to be a long term maintenance plan for permanent erosion and sediment controls.
- During construction there needs to be some type of temporary sediment control device at the bottom of Fire Lane 6A that would address debris and mud from construction truck/equipment before they track it up the fire lane.
- There needs to be a permanent uphill diversion ditch on the east side of lots 1 through 3 at the edge of the clearing limits (no additional clearing required) to help control runoff across the lots during construction. The ditch should begin at lot 1, head north to lot 3, down and west between lots 3 and 4 and connect into the proposed drainage system at the base of the lots that diverts water south to the catch basin system between Fire Lane 6A and Fire Lane 6B.
- Provide temporary erosion and sediment control measures, during construction, above the top of the steep slope for lot 5 (where the lot slopes down to the lake shoreline).
- The Town of Owasco should require that the SWPPP for the development be reviewed and approved by the Owasco Lake Watershed Inspector.
- Adequate outlet protection, such as rip-rap, is needed below the proposed retention basin where water exits the culvert under Fire Lane 6B on the Vitale property.

MOTION BY EILEEN O’CONNOR:

The Committee has determined that additional material is necessary for review before a final action can be taken. Once the requested materials have been received, the Committee will schedule a special meeting and continue their review of this proposed action.

Materials required: The Committee requires a copy of a detailed SWPPP that includes water quality and quantity estimations for pre and post construction in order to confirm or modify their comments on erosion and sediment control for the development before they can make their final determination.

SECOND BY STEVE LYNCH:

All voted AYE.

Motion Approved and Carried.

3. **Town of Sterling – Site Plan and Special Use Permit Application for a Wireless Telecommunications Tower, 14469 State Route 104**
4. **Town of Sterling – Site Plan and Special Use Permit Application for a Wireless Telecommunications Tower, 15679 State Route 104**

These two items were reviewed together. The motion and any comments apply to both proposed locations.

The Committee carefully considered the materials provided by the Town related to the proposed siting of a 149 foot Wireless Telecommunications Tower to be constructed and operated by Verizon Wireless on Parcel Tax ID# 19.00-1-16, located at 14469 State Route 104, owned by Buster and Ann Braley; and for the proposed siting of a 149 foot Wireless Telecommunications Tower to be constructed and operated by Verizon Wireless on Parcel Tax ID# 16.00-1-58.117, located at 15679 State Route 104, owned by Brian and Roxanne Randall. The Committee asked Mr. Brenner if there was going to be a SWPPP prepared for the site related to the proposed clearing of just over one acre of land. Mr. Brenner stated that if the required clearing does in fact exceed one acre then a SWPPP will be prepared for the Town's review and that his client would apply for all necessary permits. He also stated that at this stage of development approval, Verizon does not generally prepare a SWPPP or other permit materials, but they will once they apply for a building permit with the municipality. The Committee asked Mr. Brenner what erosion and sediment control measures were planned for the proposed access road. Mr. Brenner stated that where necessary, erosion and sediment control measures will be installed and those details will be part of the SWPPP. The Committee asked Mr. Brenner what type of surface the access road will have. Mr. Brenner replies that it will be compacted gravel. The Committee stated that after reviewing the submitted plans it appeared that sight distance at the driveway on State Route 104 would not be impacted by this development nor would the traffic volume on State Route 104. Mr. Brenner concurred stating that Verizon typically only accesses their tower sites once or twice a month for routine maintenance and during emergency situations. The Committee stated that there appeared to be no intermunicipal impacts from the development of the proposed tower; that Verizon stated in their application their willingness to permit the colocation of equipment by other providers on their tower; and because the construction of this tower would help to close the gap in service provided in the Town of Sterling. The Committee did have some concerns over the possibility of disturbance of endangered species, given that the area is heavily wooded, particularly the Northern Long-eared Bat. The Committee recommended to Mr. Brenner that his client review the pending endangered species regulations with regards to the Northern Long-eared Bat and the restrictions on when clearing of woodlands may occur; and the NYS/Federal rules regarding proximity to existing Bald Eagle nests for development. The Committee recommended that Mr. Brenner consider contacting the US Fish and Wildlife Service office in Cortland, NY for assistance.

MOTION BY STEVE LYNCH:

To recommend approving the proposed actions without change.

Comment: The Committee recommends that the applicant review the pending endangered species regulations with regards to the Northern Long-eared Bat and the NYS/Federal rules regarding proximity to existing Bald Eagle nests for each site. The applicant should contact the US Fish and Wildlife Service office in Cortland, NY for assistance in determining the potential impacts the development of these sites will have on endangered and threatened species and any restrictions that may affect their development, particularly for the time of year when clearing of woodland would be permitted. The Committee also recommends that the applicant be mindful of the location of the proposed developments in relation to any regulated wetlands and potential necessary erosion and sediment control measures for the development of the sites and access drives.

SECOND BY EILEEN O’CONNOR:

All voted AYE.

Motion Approved and Carried.

**Motion to adjourn by Steve Lynch. Seconded by Eileen O’Connor. All approving.
Adjourned at 10:10 AM.**

Minutes submitted by Kari Terwilliger (staff).