

**Approved Minutes
Cayuga County GML 239-l, m & n Review Committee
SPECIAL MEETING
January 22, 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 11:03 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:	Nick Colas (designee)
Director of Soil and Water Conservation:	John Fraser (designee)

A quorum was thereby established.

Others present: Kari Terwilliger (Planning Staff), Ryan Deffenbaugh (reporter with The Citizen newspaper)

The following municipal matters were submitted to the Committee for consideration pursuant to New York State General Municipal Law §§239-l, m, & n:

1. Village of Aurora – Local Law #1 of 2015 to Impose a 6 Month Moratorium on Building Permits

The Committee carefully considered the materials provided by the Village related to the proposed local law to impose a 6 month moratorium on building permits in the village. The Committee reviewed the intent and purpose section (Section 2) of the proposed local law and stated that they understand that the Village Board believes that there are developments and development pressures occurring within the village that are not addressed in the current village zoning law, adopted in 2010, or that may be providing difficulty to the various boards and committees in the village during project and permit reviews; and stated that the intent of the proposed moratorium is to allow the Village Board time to look at the 2010 Zoning Law for any potential changes to definitions, standards for review, etc. that may help alleviate the perceived development pressures and/or issues with review procedures. The Committee pointed out that the proposed law in effect calls for everything to stop in the village during the time the moratorium will be in effect, citing where the law states: “The Village Board finds that pending the completion of the necessary review, study, referrals, revisions and hearings incidental to

the final preparation and adoption of amendments to the Village Zoning Law, *unless reasonable measures are taken during the interim period to protect said deliberations and thorough review* by the public, the Village Board, the Village Planning Board, the Village Zoning Board of Appeals, the Village Community Preservation Panel and such other interested agencies, *any significant variations in the uses where changes are contemplated in the density or type of development* as provided under the existing Zoning Law *may destroy, frustrate or materially damage the work of this revision process.*” [emphasis added]. The Committee stated that the law is calling out the density and type of development as the Village’s primary concern, not all types of permits and development being submitted to and/or reviewed by all village boards, committees and staff as stated in Section 3, Scope and Duration of Moratorium. The Committee read Section 3, A for the record: “This moratorium prohibits the filing, acceptance and/or approval of any and all applications for rezoning, special and conditional use permits, site plan, amended site plan, site plan waiver, area variance relief, alterations or extensions of pre-existing non-conforming uses, and subdivision approval and as a result prohibits use variances, and/or any development that requires but has not yet received either site plan or preliminary subdivision approval.” The Committee also stated that they are aware that every permitted use in the village, as stated in the use table in the 2010 Zoning Law, is subject to Site Plan review and approval. This proposed law is in effect not permitting the issuance of any kind of permit what so ever, including a building permit that would be required, for example, to replace the windows on a building or conducting interior maintenance repairs to a commercial or residential structure. The Committee also mentioned that they were aware that a letter from Mr. Andrew Fish, Executive Director of the Cayuga County Chamber of Commerce and the Cayuga County Economic Development Agency (CEDA) was submitted to the Village prior to the public hearing that the Village held on January 21, 2015 on the proposed moratorium, indicating the Chamber and CEDA’s concerns with the potential impacts to economic development that may occur as a result of the proposed moratorium. The Committee members asked one another if this proposed law for a moratorium in the Village of Aurora has any actual intermunicipal impacts or is it perhaps just creating impacts that may or may not be of local concern. The Committee stated that they did not see any intermunicipal impacts resulting from the adoption of this law by the Village, but that they wanted to add comments to their determination.

MOTION BY NICK COLAS:

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

Comments:

1. The imposition of such an all-encompassing moratorium on development while zoning revisions are being made is a fairly extraordinary step to take, especially in the Village of Aurora where everything requires a review and approval by a board or committee, which is not typical elsewhere, particularly when the purpose of the proposed law states that the primary concern of the Village is changes to the density and/or type of use for development. Other municipalities in the

county that have instituted moratoriums have targeted specific uses when developing amendments to their zoning laws and have not prohibited all types of development or permits during the moratorium. In fact, no communities other than the Town of Sennett in 2014, have enacted moratoriums when they have either made significant revisions to their zoning law or completely rewritten and replaced one.

2. The Village of Aurora should consider exempting actions which will not change the density or type development beyond what is already permitted or in existence for a particular property, i.e. granting a permit to build a single family home in a residential district, granting permits for routine maintenance and repair of structures, etc.
3. For appeals, under Section 4, A, 4, the Village of Aurora should consider removing the criteria that an applicant provide “evidence that the application if permitted to proceed would not be affected by the revised Village Zoning Law or any legislation relating thereto”; and under Section 4, B, ii “that the applicant has proven that the development for which relief is sought does not have significant impacts that will be dealt with in the comprehensive plan” (this doesn’t make sense because changes are not being made to the comprehensive plan but to the zoning law); and Section 4, C “...all decisions on granting or denying such appeal/variance requests shall be made by the Village Board solely after determining whether or not such appeal/variance is compatible with any contemplated amendments or revisions to the Village Zoning Law” because it would be impossible for the applicant to know what would be compatible with a new zoning law that has not been adopted yet, or for the Board to hold the applicant to unapproved/adopted zoning changes that are only being “contemplated” by the Board.

SECOND BY JOHN FRASER:

All voted AYE.

Motion Approved and Carried.

2. Village of Aurora – Local Law #2 of 2015 to Require Prior Written Notice of Certain Dangerous Conditions for the Village

The Committee carefully considered the materials provided by the Village related to the proposed local law require prior written notice of certain dangerous conditions for the village. The Committee summarized the proposed law by stating that with this law written notice of a hazard would be required to be submitted to the Village Clerk before a person who was hurt by said hazard could pursue any action against the Village, i.e. sue for injuries sustained or property damages. The Committee questioned whether there was precedence of a similar law being passed in other communities in the county or in neighboring jurisdictions. Staff said that they did not recall a similar law but they did not thoroughly check the 239 Committee Referral records prior to today's meeting. The Committee stated that they did not see any intermunicipal impacts resulting from the adoption of this law by the Village, but that they wanted to add a comment to their determination.

MOTION BY STEVE LYNCH:

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

Comment: The Village should consider forwarding comments and concerns submitted to them that may be beyond their purview to the appropriate agencies or interested municipalities. For example road hazards on State Route 90 which is maintained by NYS DOT and not the Village Highway Department should be forwarded by the Village to NYS DOT.

SECOND BY NICK COLAS:

All voted AYE.

Motion Approved and Carried.

Motion to adjourn by Steve Lynch. Seconded by John Fraser. All approving.
Adjourned at 11:25 AM.

Minutes submitted by Kari Terwilliger (staff).