

Minutes
Cayuga County Planning Board ❖ NYS GML 239 Review Meeting
June 21, 2012

The meeting was called to order at 9:06 AM in the Conference Room on the 5th floor of the County Office Building, 160 Genesee Street, Auburn NY 13021.

The following committee members were present: **Steve Lynch, Doug Kierst, Steve Koon, and Bruce Natale**. A quorum was thereby established.

Others present: Gabriel Holbrow (Staff) and Geoff Milz (Staff).

MINUTES:

Minutes from May 17, 2012:

MOTION BY DOUG KIERST: Approve minutes.

SECOND BY STEVE KOON: Doug Kierst, Steve Koon, and Bruce Natale vote AYE.

Motion Approved and Carried.

The following municipal matters were submitted to the Committee for consideration pursuant to GML 239:

1. Town of Ledyard – Comprehensive Plan Draft

The Committee carefully considered the proposed draft of the Town of Ledyard Comprehensive Plan. The Committee noted the history of the plan, that it was formulated in 2006 and 2007 with assistance from the Cayuga County Department of Planning and Economic Development as well as American Farmland Trust, went through a thorough process of public participation including multiple public meetings, was recommended to the town board in 2008, and finally considered for adoption by the board in 2012.

The Committee compared the 2008 draft of the plan to the current draft under its review, and noted that the 54 Implementation steps in the 2008 draft had been reduced to 17 implementation steps. Among those removed were implementation steps that dealt with preserving agriculture, protecting water quality and preventing stormwater runoff. Although the Committee could find no negative intermunicipal impacts associated with the adoption of this draft of the Comprehensive Plan, Committee members strongly felt that the draft under their consideration passes up significant opportunities to create positive intermunicipal impacts.

MOTION BY STEVE LYNCH: Approve with one comment:

Comment: The current draft of the Comprehensive Plan appears to be missing the opportunity to include actions that were generated by a thorough public participation process and that can preserve local agriculture and protect water quality. Including these actions would likely have significant positive impacts for the Town of Ledyard as well as for surrounding towns and villages.

SECOND BY BRUCE NATALE: All members vote AYE.

Motion Approved and Carried.

2. Village of Union Springs – Site Plan – Gillespie Chevrolet, 128 Cayuga Street

The Committee carefully considered the site plan and materials provided by the Village related to the proposed expansion of the Gillespie Chevrolet dealership at 128 Cayuga Street. The Committee discussed the layout of the proposed addition as well as the lack of landscaping in the site plan. The Committee noted that Cayuga Street, Route 90 is a designated NYS scenic byway, and discussed the intermunicipal value of maintaining a visually appealing streetscape along the scenic byway. The Committee looked at the current zoning law of the Village, which includes special standards requiring 0.4 square feet of landscaped open space for each square foot of floor area devoted to commercial use. The Committee noted there are ways for the applicant to provide landscaping which would not impose hardship on the applicant's business, including small planters, bio-retention or low greenery that would not block views of the vehicle merchandise.

MOTION BY STEVE LYNCH: Approve with one change:

Change: Applicant shall find a means to incorporate, for each square foot of floor area in the proposed addition, the amount of landscaping required by current zoning in Section 402 Special Standards: "A minimum of 0.4 square feet of properly landscape open space shall be required for each square feet of floor area devoted to commercial use exclusive of the buffer strip."

SECOND BY STEVE KOON: All members vote AYE.

Motion Approved and Carried.

3. Town of Sennett – Site Plan – Cemento LLC, Center Street Road

The Committee carefully considered the site plan and materials provided by the Town related to the proposed sand and gravel mine operation on Center Street Road. The Committee discussed the process of receiving a mining permit from the New York State Department of Environmental

Conservation (NYS DEC) and noted that the site had received a permit in December 2011. The Committee investigated the drainage of the site and the runoff control measures outlined in the Mined Land Use Plan submitted to NYS DEC, which was included in the materials provided by the Town. The Committee further discussed the revegetation plant species listed in the reclamation plan.

MOTION BY STEVE LYNCH: Approve with comments:

Comment #1: NYS DEC Division of Mineral Resources seems to have done a good job with review of the project.

Comment #2: There appear to be no negative intermunicipal impacts.

Comment #3: If development of the mine could occur so as to increase the stormwater retention on the property, this project may have a positive intermunicipal impact by reducing flash flooding at the Route 5 – Weedsport-Sennett Road intersection.

Comment #4: Consider using birdsfoot trefoil in revegetation instead of crownvetch, which is classed as a regulated non-native invasive species.

Comment #5: The applicant needs a State Pollutant Discharge and Elimination System (SPDES) general permit for stormwater discharges from construction activity. The Town should verify that the applicant has applied for and received a SPDES permit before approval.

SECOND BY STEVE KOON: All members vote AYE.

Motion Approved and Carried.

4. Town of Sterling – PDD – Cypris, West Bay Road

The Committee carefully considered the site plan and materials provided by the Town related to the proposed Planned Development District (PDD). The Committee discussed changes in the project since its informal review in December 2011, noting that the project narrative had been revised and aligned with the application procedures for PDD approval listed in the Town's zoning law.

On the subject of the project's Environmental Assessment Form (EAF) Part 1 for SEQR, Geoff Milz showed to the Committee a letter sent to the town on May 10, 2012 which offered comments from County planning staff on the EAF Part 1. The Committee noted that the submitted EAF Part 1

did not respond to any of the comments. However, they recognized that the seeming lack of response was because the Town had submitted this referral to the Committee on May 9, the day before the Town received the letter with comments on the EAF.

The Committee discussed the proposed seawall and whether approval from the US Army Corps of Engineers would be needed. Committee members noted that if all of the proposed construction of the seawall were above mean high water, the Corps may determine that their approval is not necessary. The Committee viewed the provided site plans in an attempt to find the mean high water line in relation to the proposed location of the seawall but were unable to determine where mean high water was on the site plan.

The Committee discussed the stormwater drainage plan, noting that the project proposes to direct all runoff through a culvert into Blind Sodus Bay and Lake Ontario, which is the same as was proposed at the Committee's previous informal review in December 2011. The Committee noted that a State Pollution Discharge Elimination System (SPDES) permit and a Stormwater Pollution Prevention Plan (SWPPP) would be needed before breaking ground. Committee members commented that such a site should have permanent stormwater retention, and that the sandy ground at this site could enable the project to have no surface runoff to outside the site.

The Committee discussed the summary recommendation of the Sterling Planning Board, which sought to have the developer revise plans to reflect minimum 100-foot wide residential lots, noting that these changes were not made. Committee members expressed opinions in support of lot widths from 75 feet to 85 feet as originally proposed, but recognized the Town's authority to decide on such matters of local impact.

The Committee discussed the implication of the proposed PDD as an amendment to the Town's zoning law. Committee members felt that the description of uses and dimensions for the planned development, when compared to use and dimensional requirements in the rest of the Town's zoning code, were not detailed enough to guide and shape future commercial development and not detailed enough to prevent any potential future intermunicipal impacts, such as impacts related to stormwater runoff and traffic. The Committee recommended that the Town apply the requirements for site plan review and SEQR, as described in Section 1404 of the Town zoning law, to future commercial development in the PDD.

MOTION BY STEVE LYNCH: Take no action because the referral was found to be incomplete, with one comment. The two additional items which the Committee requires are:

- A preliminary or concept stormwater management plan.
- Topographic lines clearly shown and labeled on the site plan so that the Committee can follow the mean high water and other elevations.

Comment: Consider adopting the site plan review and SEQR process, as described in Section 1404 of the Town zoning law, into the zoning requirements for future commercial development in the PDD. In addition to this, if the developer or the Town wishes to regulate future development of commercial areas within the PDD with more specific requirements, the developer could be asked to provide specific zoning dimensional and design requirements specific to the PDD.

SECOND BY DOUG KIERST: All members vote AYE.

Motion Approved and Carried.

Motion to adjourn by Doug Kierst. Second by Bruce Natale. All approving. Adjourned at 10:30AM.

The next regularly scheduled meeting is Thursday, July 19, 2012 at 9:00 AM.