Minutes
Cayuga County GML 239-l, m & n Review Committee
May 29, 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 10:00AM 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:	**Rich Wheeling (designee)**
Environmental Engineer:	**Bruce Natale**
Director of Soil and Water Conservation:	**John Fraser (designee)**

A quorum was thereby established.

Others present: John Zepko (Planning Staff) David Nelson (Planning Staff), and Nick Colas (Planning Staff).

<u>Town of Sterling – Special Use Permit, 13181 Sanford Rd</u>

The Committee reconvened the adjourned matter from the May 21, 2015 meeting, and carefully considered the materials provided by the Town related to the proposed Special Use Permit application for 13181 Sanford Rd, as well as information presented to the committee from the Cayuga County Highway Department.

Based upon the information submitted, the Committee recommends disapproving the project due to the following potential intermunicipal impacts.

- Of the x mile route from the mine to state route 104 approximately .2 miles of Sanford Rd and all of County Route 112 lies within the jurisdictional boundary of the Town of Victory. An approval of this project has the potential to adversely impact the road infrastructure of the Town of Victory.

- The design and alignment of Cayuga County Route 112 and Sanford Road, and the configuration of their intersection, creates traffic safety concerns with regard to sight distances and turn radii.

- An increase in heavy commercial traffic of up to 100 trucks per day (10 trucks per hour over a 10 hour period) could result in significant and premature deterioration of County Route 112.

Additionally, the Committee has issued the following comments:

- The intersection of Cayuga County Route 112 and NYS Route 38, as well as the intersection NYS Routes 38 and 104 may also have potential traffic safety issues. However, as NYS Department of Transportation has expressed their intention to address those concerns, the Town should coordinate their review with that agency.
- Town Area Variance was granted for Article 10, Section 10-5,J,2d (emphasis added), which addressed distance between existing residences and the access/egress drives to the facility;
- The Public Hearing Notice, Application for Area Variance, the ZBA Minutes, etc., all address the access/egress Area Variance for Section 10-5,J,2d
- Section 10-5,J,2c (emphasis added), requires a 1000' minimum buffer between mining operations and any structure if the structure is not owned by the mine operator:
    - This area requirement would impact (reduce) the limits of active mining on the subject parcel from the proposed area shown in the Special User Permit application materials
    - Part of the rationale for the Town of Sterling area buffer requirements associated with mining operations, especially Section 10-5,J,2c which requires that operations be a minimum of 1000 LF from any structure not owned by the mine operator, is to protect nearby structures and residents from the impact of mining operations, including dust and particulates. While this is not an intermunicipal impact, but a local impact, it should be addressed by the town in consultation with the Town counsel.
    - The Town did convey this potential environmental impact and local requirement to the DEC (Lead Agency) as an Involved Agency in their letter dated Feb. 26, 2015. It should also be noted that the SEQRA Part 1, Section B, did not identify the requirement for an Area Variance as a required approval needed for the Special User Permit;
    - If the Town Zoning Ordinance at Article 10, Section 10-5,J,2c, rules, then the applicant would need to secure another Area Variance before granting a Special Permit for mining operations closer to the neighboring structure than the 1000' buffer.
    - If the Town determines to proceed with the requirement for an Area Variance, we recommend the Board consult the Town Attorney for a legal opinion determining if the NYS Mined Lands Reclamation Act supersedes or preempts the Town's local zoning requirements under Section 10-5,J,2c; and, if so, what other methods might be available to the Town to ensure these neighboring residences/properties are not negatively impacted (such as the SEQRA review, the comment period of which should be open until June 5, 2015.

MOTION BY : Steve Lynch	The Committee recommends disapproving the action due to intermunicipal concerns
SECOND BY : John Fraser	All voted AYE.
	Motion Approved and Carried.

Minutes submitted by John Zepko (staff).