

**CAYUGA COUNTY PLANNING BOARD**

**GUIDELINES FOR PROJECT AND PROPOSAL REFERRALS**

**AS REQUIRED BY NYS GENERAL MUNICIPAL LAW**

# PART ONE

## REFERRALS OF

ZONING ADOPTIONS AND AMENDMENTS, SITE PLANS,  
SPECIAL PERMITS, AND VARIANCES

## **INTRODUCTION**

This guideline is an attempt by the Cayuga County Planning Board to achieve two goals:

1. To promote sound planning practices to improve the quality of life for residents, businesses and visitors to Cayuga County.
2. To lay out in concise fashion the standards and criteria used by the Board in conducting the State mandated review of various local land use actions and the rendering of advice to municipalities regarding those actions.

The Board urges the use of the information contained in this guideline at the earliest possible stages of the land development process.

It is the Board's hope that this guideline will inform municipalities, applicants and others of its administrative procedures to avoid any confusion regarding the areas of jurisdiction of the Board, the manner in which the proposed action is to be referred to the Board and the requirements of notice. The Board believes that these rules and regulations will save time and effort and to avoid procedural defects that may render a development project null and void.

### **1: Actions Subject to Review**

Under New York State General Municipal Law the following actions are subject to review by the Cayuga County Planning Board. The adoption or amendment of a zoning law or ordinance; issuance of a special permit; approval of a site plan; granting of a use or area variance; subdivision approval (see separate guideline) or other authorizations which a referring body may issue under a zoning law or ordinance that lie wholly or partly within 500 feet of:

1. The boundary of any village, town or the City of Auburn.
2. The boundary of any existing or proposed county, state, or federal park or other recreation area.
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway.
4. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
5. The existing or proposed boundary or any other county, state or federally owned land, held or to be held for governmental use.
6. A working farm located within an Ag District created under Article 25AA NYS Ag and Markets law.

### **2: Modification of basic standards**

In 1993 the State Legislature authorized county planning agencies to enter into agreements with local governments to exempt certain actions from the referral process on the basis that the exempted actions were of a type or scale where they would almost never present an inter-community or county-wide concern. By using this authority and removing such matters from the review process, it is possible to eliminate what has been described as little more than passing paper work back and forth. This should result in some cost savings and increased efficiency for all concerned.

Therefore, the Cayuga County Planning Board at its March 1, 1994 meeting adopted a list of matters, otherwise subject to the referral process of the General Municipal Law that would generally have no countywide or inter-municipal impact. Furthermore, the Board authorized the Chairman of the Cayuga County Planning Board to sign an inter-municipal agreement with the Chief Executive Officer of each municipality in the County to exempt such activities from the referral process. That list is hereby modified to read as follows and the Chairman is hereby to enter in revised inter-municipal agreements to reflect this modification. All prior agreements shall remain valid until a revised agreement is in place.

The following is the list of activities that the Board exempted.

1. Activities that, while within 500 feet of a state or county highway, are on a parcel that does not front on that state or county highway.
2. Activities that, while within 500 feet of a municipal boundary, would be permitted within the area of the adjoining municipality abutting the parcel where the activity is proposed.
3. Area variances.
4. Amendments to a local zoning law or ordinance that are intended to clarify, redefine, expand, or modify words and/or terms that do not alter the dimensional or use standards of the regulation.
5. Amendments to a local zoning law or ordinance that are intended to address procedural or administrative matters that do not alter the dimensional or use standards of the regulation.
6. Amendments to a local zoning law or ordinance that are intended to reduce the type or number of uses permitted within a particular zoning district.
7. Amendments to a local zoning law or ordinance that are intended to reduce the intensity and/or density of development permitted within a particular zoning district.
8. Any activity subject to review by a local agency employing a municipal planner on a full time basis who will advise the referring agency concerning the referred matter.
9. Any subdivision of land not required to be submitted to the Cayuga County Health Department for review under the definition of a subdivision set forth in Section 1115 of the Public Health Law of the State of New York.

When a matter that meets one of the criteria outlined above is submitted for consideration, perhaps because the referring municipality has not entered into the required inter-municipal agreement, it will be deemed a matter of local concern and returned by the Board's staff without comment, unless the local referring board specifically requests comment on some point.

### **3: Requirements of Notice**

Upon receipt of an application for adoption or amendment of a zoning law or ordinance; issuance of a special permit; approval of a site plan; granting of a use or area variance; or other authorization lying wholly partly within those areas specified in Part 2, the municipality shall refer the preliminary map to the Cayuga County Planning Board. Such referral shall contain:

1. LETTER OF REFERRAL. See Appendix A for form of such letter.
2. Completed, local action application form.
3. One Copy of all materials submitted to the local reviewing agency including, for example, maps, drawings, studies, reports, or photos.
4. Supporting Information.

- a. STATEMENT OF SEQRA STATUS, and copy of any EAF or EIS required by the municipality or any other involved agency.
- b. Name and address of applicant.

#### **4: Procedures of the Cayuga County Planning Board for Action Review**

##### **A. Date of Receipt of Action Referral**

1. The date that the Cayuga County Planning Board receives a complete and proper referral of a proposed action at its offices at Auburn, New York, shall be the official date of receipt of said referral. A copy of the public notice announcing that a public hearing will be held on a proposed action sent to the Board will not be accepted as a complete and proper referral. A Projects & Proposals Review Meeting will be held at 5pm on the 3<sup>rd</sup> Thursday of the month. In order to be considered at a given month's meeting a complete referral must be received by 3pm on the Tuesday of the week prior to the meeting. Should a review meeting fail to attract a quorum, the staff report(s) concerning any item(s) on the meeting agenda shall be submitted to the referring agency as technical assistance as authorized by NYS GML 239c-3g with a notation indicating same.

2. In the event that the referral is not complete, the date of receipt of referral will be taken as the date on which the last item needed to complete the notification is received. A notice that a referral is incomplete will be sent to the referring agency indicating what information is missing.

##### **B. General**

1. Submission of referral by mail - The referral may be submitted by regular mail by the authorized municipal agency.

2. Submission of referral by messenger - Referrals will be accepted at the Planning Board's offices at Auburn, New York, provided:

- a. All materials are in a sealed envelope.
- b. All deliveries are made through the municipal agency responsible for the regulation and approval of actions.
- c. The referral letter clearly states what materials are being transmitted.

3. Submission of referral by others -

- a. Proposed action maps and other required materials that are received by mail or delivered by messenger directly from the developer, owner, or the developer's engineer, surveyor, planner, or agent will not be accepted as an official referral by a municipality unless accompanied by a written letter of authorization from the municipal agency authorized to approve actions. The letter shall specifically state what materials are being delivered.

4. Lead Agency Status - SEQRA

The Planning Board will not assume the role of lead agency. SEQRA intends that the agency closest to and most impacted by the action to assume this role. In matters subject to this procedure, that would be the local reviewing agency.

##### **C. Procedure of the Action Review**

**1.** Upon receipt of a referral, the referral will be checked for jurisdiction and for completeness by the staff of the Planning Department. Any referral found to be incomplete will be deemed an "Incomplete Action". The staff will notify the referring agency that the referral is incomplete and that it will not be accepted and reviewed by the Planning Board until the missing material or information is received. The staff will also inform the referring agency as to what materials are required to complete the referral. All incomplete referrals will be placed in the incomplete file until such time that the missing material or information is provided.

**2.** The staff shall take those steps it deems necessary to check all material referred to the Planning Board and to make its analysis and report. This may include: field inspections, discussions with appropriate local officials and their planning staffs and consultants and review with other county and state agencies. Upon completion of its analysis the staff will prepare its report for submission to the Board.

**3.** The staff may discuss a proposed action with a developer or his agent at his request to clarify Planning Board procedures or to clarify the general policy of the Planning Board pertaining to the action. Preferably, where possible, the referring agency should inform the developer or his agent as to Planning Board procedure and policy. If the discussion with the developer or his agents involves any maps, plans, or other documents or any information that has not been submitted to the Planning Board by the referring agency, the staff may, if in its opinion it is necessary, notify the referring agency in writing of the general scope of the discussion. The staff will request that the developer or his agent provide copies of the material that was discussed but had not been referred to the Planning Board by the referring agency to the referring agency.

**4.** A staff report concerning the referral will be prepared for consideration by the Planning Board and considered at a regularly scheduled Planning Board projects review meeting. Generally a review will be conducted at the first projects review meeting scheduled following receipt of a complete referral.

**5.** The Planning Board after review and due consideration of the staff report and submitted referral materials may:

- a.** render a report approving the proposed action without change;
- b.** render a report recommending changes in the proposed action and approving the proposed action with such changes;
- c.** render a report disapproving the proposed action; or
- d.** render a report stating that the referral was found to be incomplete or it was determined that additional material was found to be necessary for review of the proposed action.

Generally the Board will not entertain presentations by applicants or project supporters or opponents. The County Planning Board's review is a technical one of limited scope intended to advise the local reviewing agency of intermunicipal and countywide issues associated with the matter under review. The local agency will conduct a public hearing concerning the project and that is the proper forum for such presentations.

**6.** Any proposed action that was previously reviewed by the Planning Board and for which a report was issued will not be reviewed again by the Planning Board unless:

- a.** There has been a significant change in any of the design elements;
- b.** There has been a change in any law affecting the action of land; or
- c.** There has been a change in County, State, or Federal developmental policies.

The referring agency will be sent a letter notifying it that the referral will not be reviewed again together with a copy of the Planning Board's original report.

7. The Cayuga County Planning Board shall be informed as to the action taken by the municipal referring agency on the proposed action within seven (7) days of said action by the referring agency in accordance with the requirements of NYS General Municipal Law.

#### **D. Criteria Used in Analysis**

1. The analysis of a proposed action will include but not necessarily be limited to the following:

- a. Proposed character and appearance of action and its impact upon the community in relation to prominent land uses in the vicinity, population density, and relationship between residential and nonresidential areas in the vicinity.
- b. Appropriateness and compatibility of land uses.
- c. Relationship to existing or proposed official governmental development policies as expressed through comprehensive plans, capital budget, official map, or regulatory measures.
- d. Relationship and effect on community facilities and public convenience, safety and general welfare.
- e. Traffic generation and its effect upon County and State roads, highways, and existing land uses.
- f. Design of traffic access to site and plots or lots and buildings.
- g. Effect upon County drainage systems, streams and channels.
- h. Appropriateness of design standards for: Layout of streets and plots; stormwater drainage; and other public improvements.
- j. Impact upon environmentally significant areas, both natural and created.
- k. Any other criteria as felt necessary.

#### **E. Content of Planning Board Report**

When a proposed action is disapproved or is approved with recommended changes by the Planning Board the Planning Board will explicitly state in its report the reasons for its action. The statement of reasons shall be designed to assist the referring agency to form its own judgement as to what action, if any, it should take with respect to the proposed action.

#### **F. Approval of Proposed Actions Without Required Board Review**

1. Should it be brought to the attention of the Planning Board and verified by the staff that a proposed action has received local approval without referral to the Planning Board, as required, the staff will:

- a. Notify the developer and the agency responsible for approving actions in the municipality where the action is located that: “ *the action may be procedurally defective and could invalidate the use and occupancy of the premises and adversely affect the owner's interest therein.* ”
- b. If the referring agency refers a proposed action to the Planning Board that has been acted upon without a review by the Planning Board, the Board may elect to:
  - i. Reject the matter and not review it;
  - ii. Take no action on the matter; or
  - iii. Render a report on the matter.

#### **G. General**

All the rules and procedures set forth previously shall be subject to change and revision without prior notice.

## **5: Board Policies and Guidelines Relative Local Land Use Issues Referrals**

The NYS General Municipal Law was amended in 1998 to describe the content of a County Comprehensive Plan. In anticipation of this, the Cayuga County Planning Board spent three years developing a local plan and adopted that plan as a guide for its activities on December 3, 1997. The 1997 Plan addresses each of the plan elements set forth in the NYS General Municipal Law and is intended to be the basis by which the County Planning Board evaluates local land use issues referred to it for consideration.

The plan is based on three principles. It seeks to: address three distinct planning situations: rural, suburban and urban settings; integrate into the County Plan, land use and development plans that have been prepared by local governments; and be flexible enough to accommodate existing and future functional<sup>1</sup> plans that may be developed by the County or local governments.

In evaluating projects submitted for review under Section 239 GML, the Board will rely upon the 1997 Plan and the functional plans it incorporates as the basis for its recommendations. Developers are encouraged to consult the Plan for as to the criteria the Board may apply to a given situation. Copies of the Plan are available from the County Planning Office.

### **A. Residential Development In Rural Areas**

#### **1. General Statement of Policy**

The Plan recognizes the increase in rural residential development and includes principles for siting residential projects in traditionally rural areas that encourage the retention of a rural character and reduce the potential for conflict with traditional, rural activities such as farming. Those principals are:

- a.** Make retention of rural character a local planning priority by identifying areas that continue to have agriculture, open space or other natural resource-based activity as principal planning objectives.
- b.** Recognize that protection of agriculture, for example, is not the same thing as preservation of rural character, so once areas for agriculture, open space or other natural resource-based activity have been placed in a specific zoning or plan designation, protect those activities from the impacts of the encroachment of non-traditional rural development.
- c.** Accommodate rural residential development outside of those areas that have been designated for protection of agriculture, open space or other natural resource-based activity

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<sup>1</sup>A functional plan is defined here as a plan that addresses one or more specific topics such as housing, economic development, water supply, etc. usually with the intention of implementing a legislatively approved program.

## 2. Guidelines

- a. Appropriate area development density for rural residential development is as follows.

| <b>RECOMMENDED DENSITIES</b> |                             |
|------------------------------|-----------------------------|
| <u>zoning district</u>       | <u>recommended density</u>  |
| Agricultural zone            | 1.5 dwelling units per acre |
| Rural Residential zone       | 2 dwelling units per acre   |
| Other Residential zones      | 3 dwelling units per acre   |

- b. Basic principals for rural development<sup>2</sup>

Where possible, retain and reuse old farm roads instead of constructing new roads or driveways to access development, except where reuse requires widening and associated loss of hedgerows or landmarks. Preserve hedgerows and landmarks, these define outdoor areas in a natural way and preserve important wildlife areas.

ii. Avoid placing buildings in the middle of open fields.

iii. Use existing topography and vegetation to screen buildings.

iv. Place buildings so that they do not protrude above trees and hill crests as seen from roads and public spaces.

v. Minimize crossing steep slopes with driveways and roads, when building on slopes incorporate the natural topography into the architecture rather than grade the entire site flat, use the flattest parts of the site for septic leach fields and parking areas, control erosion and sedimentation.

## **B. Economic Development In Rural Areas**

### 1. General Statement of Policy

Historically economic activity in rural Cayuga County has been linked to natural resources. While this continues, census data indicates that natural resources are no longer the exclusive source of employment and income for rural residents. Mobility and technology have made it possible to reside in rather remote areas and pursue virtually any type of economic activity either by commuting to nearby metro employment centers or by utilizing telecommunication technology. In short, economic activity in rural Cayuga County is increasingly diverse.

This and other factors can contribute to antagonism and confrontation between those who see the rural areas of the County as their “bedroom” and those who see it as their livelihood. The challenge facing local planners and the County Planning Board is to find ways to reconcile these different demands.

### 2. Guidelines

- a. Regions in the County where, based on the continued economic viability of farming, farmland protection has merit on an area wide basis (as compared with other areas where individual farms deserve protection) have been defined by the County AFPB. To draw this distinction the AFPB’s Ag Protection Plan considered soil types and noted that there is a preponderance of higher quality soils in the County’s southwestern quadrant. This area includes the towns of Aurelius (south of Rt. 326),

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<sup>2</sup> drawn from ARural Development Guidelines, NY Planning Federation, 10/94.

Springport and Ledyard (east of Rt. 90), Scipio, Venice, and Genoa. Also the eastern portion the Town of Owasco and the northern half of the Town of Niles contain higher quality ag soils. Finally important muck lands are found in the northwestern portion of the County in the Towns of Conquest and Victory. Generally the AFPB and the County Planning Board advocate the protection of farmland from non-farm development on an area wide basis in these areas.

**b.** The Cayuga County Planning Board adopted the AFPB's Plan and incorporates into its project and proposal review policies the Ag Plan's policy elements that relate to development issues.

**i.** Encourage localities that choose to enact local land use programs to consider zoning, subdivision and site plan regulations that are sensitive to agriculture and protect viable farmland from inappropriate development.

**ii.** Discourage public investment in infrastructure intended to serve non-agricultural uses in areas where viable agriculture is the predominate land use.

**iii.** Encourage local agencies and individual farmers to become more familiar with the provisions of the NYS Agricultural Districts Law and to employ the provisions of the Law in the most effective manner possible so as to protect individual farms and/or important agricultural areas from inappropriate development.

**iv.** Encourage activities designed to identify and/or develop alternative revenue sources for marginal farms.

**v.** Encourage the redevelopment of traditional urban centers as an alternative to the introduction of traditionally urban activity into rural areas.

**c.** A subheading under agriculture is agribusiness. In addition to production agriculture, businesses that provide inputs to and receive output from production agriculture are an important element of a rural economy. The importance of a well-drawn ag area or zoning district cannot be overemphasized. If agriculture is truly the predominate land use, which should be the criteria for such a designation, then the potential noise, odor, or other inconvenience that may be associated with expanded agribusiness would be of little impact amid the noise, dust, smell etc. of normal farm practices. But, if there is substantial rural residential activity in the zone then the development of agribusiness (for that matter intensive agriculture itself) may be problematic. As a general rule, the County Planning Board recommends that such uses be subject to site plan review by the local planning board as a further safeguard against potentially negative impacts from such activity.

**d.** Two other traditional, natural-based activities that can be significant elements of the rural economy are mining and forestry. Like agriculture, these activities can only occur where the geography is suitable. When residential activity chooses to locate near these geographically suitable locations the sustainability of these activities is jeopardized as these new residents object to the noise, dust and other inconvenience associated with mining, or the removal of what they perceive as a scenic vista rather than a crop to be harvested by a forester. Eventually, if an endlessly expanding outward circle of residential growth determines where these activities will be allowed, they will not be allowed anywhere, therefore:

**i.** Localities should consider mining and forestry when preparing local plans and ordinances.

**ii.** These should link permitting mining and forestry with the preparation of site specific resource management plans.

**e.** In addition to traditional, natural resource-based enterprises, home based business offers an entirely new opportunity for economic activity in rural areas. This is one of the fastest growing types of economic activity in the nation as changes in basic economic conditions, new demographic and social norms, and the ready access to advanced technology has made self directed employment more appealing to more people than ever before.

It is the position of the Cayuga County Planning Board that public land use and development policies should encourage home based business and that regulations are presented in a way that invites it, rather than merely tolerates it. By including the following elements in a local home business or occupation regulation a locality may accomplish this objective.

- i. Include a short list of things that would never be acceptable such as junkyards, auto body shops, etc. and a short list of things that would always be acceptable which might include baby sitting, home crafts, studios for artists or writers.
- ii. Subject all other uses to a review process where the local planning board examines the impact of the particular proposed activity at the location where it would occur. For example, a small engine repair business in a barn on a 40 acre property might be no problem, but, the same activity in a garage in back of a house on a quarter acre lot in a new subdivision might raise any number of concerns.
- iii. Restrict signs, prohibit outside storage or displays relating to the activity, prohibit any alteration of the exterior of the structure to accommodate the activity, require that the activity not be visible from the street.
- iv. Limit any noise, odor, dust, vibration, smoke, heat, traffic, or other impact of the activity to that normally associated with the principal use and the general character of the area.
- v. Require off-street parking, preferably to the rear of the structure, if customers will visit the site.

While presented in the discussion of rural economic development these principals are applicable to home-based business projects being reviewed by the Planning Board anywhere in Cayuga County.

f. Principals are presented here for another activity that while discussed in this section of the guidelines could occur the county. That activity is tourism. Tourism as discussed here includes a wide range of activities that bring people from outside of an area into to it to spend money, and rural areas can compete for this economic activity as well as, perhaps even better than, metropolitan areas. The County=s tourism economy is certainly multifaceted, but, because of the County=s rural areas, it is particularly well positioned to develop agri-tourism, scenic highways (most notably State Rt. 90) and recreation activity tied to its lakes. Large scale projects including the Montezuma Refuge expansion and the development of the NYS Canal System and small scale activities such as riding stables, hunting preserves, charter boat fishing and marinas, golf courses, and camp grounds would fit this description. Local land use planning should provide for such uses and seek to direct more traditional commercial activity to established urban business districts.

## **C. Development In Major Highway Corridors**

### **1. General Statement of Policy**

Increased traffic volume is likely in even the more remote areas of rural Cayuga County. Commuting to employment by long time residents or new development may generate this traffic. Whichever the case may be development of highway business to serve this traffic almost always follows higher traffic volume. If uncontrolled, traffic congestion results. Then the ease of travel that encouraged the commuter to move here and the swift movement of goods that attracted the business disappears.

A proliferation of signage, lighting, visually concealed driveways, and various distractions combine to increase the risk to drivers on a given section of highway where growth is uncontrolled. Often, in rural areas along such highways there is little thought given to pedestrian safety. There are probably no sidewalks or controlled crossings. In addition to safety issues, thoughtless development simply makes an

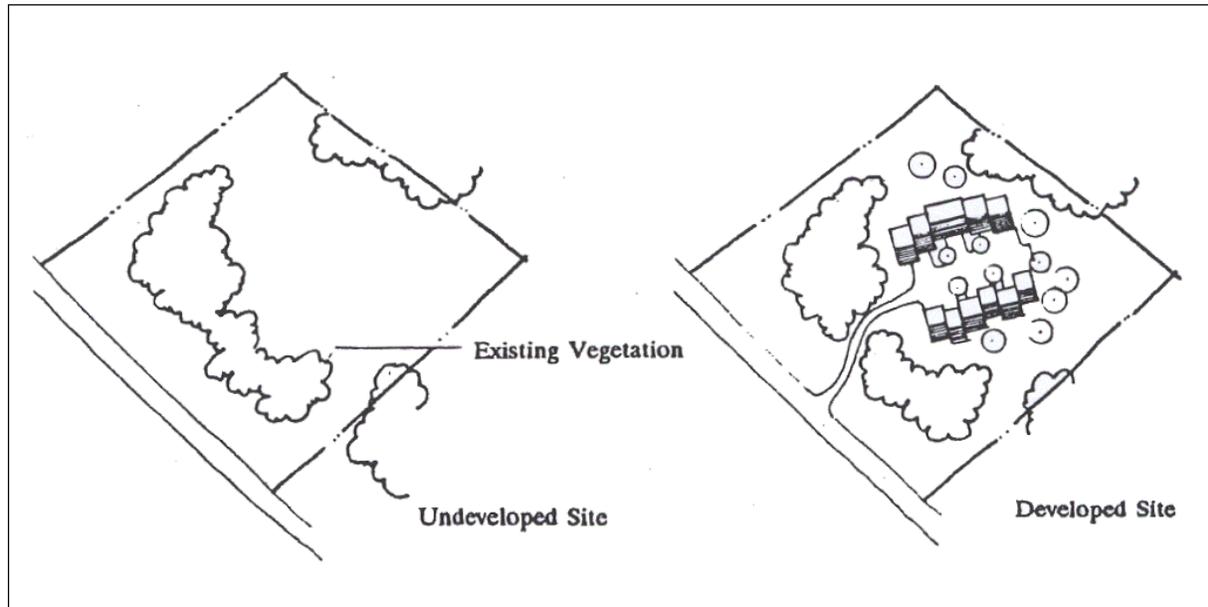
area less attractive and decreases the quality of life for all. Too often, by the time these problems become evident, the only solutions available are remedial actions such as expensive highway reconstruction or the installation of elaborate traffic control systems. The County Planning Board can apply a number of basic planning techniques to prevent the loss of highway capacity as development occurs along major highways. These techniques are collectively called highway corridor planning.

## 2. Guidelines

a. The Board will apply corridor planning principles when reviewing matters referred to it that are near thoroughfares as that term is defined Highways by Function Map contained in the Land Use Plan. These highways are Routes 104A, 104, 370, 31, 34, 5, 20, 5 & 20, 38A, 34, most of 90 and some portions of 38.

b. The following drawings illustrate these principles<sup>3</sup>.

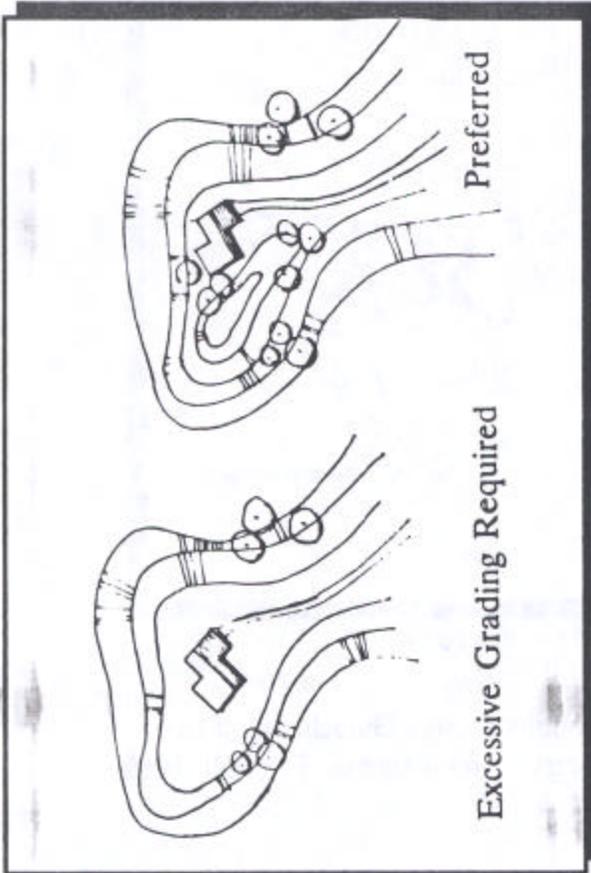
1. Site Layout - PLACE BUILDINGS AND OTHER SITE DEVELOPMENT ELEMENTS SO AS TO ACHIEVE A FUNCTIONAL RELATIONSHIP WITH SITE TOPOGRAPHY, VEGETATION, AND OTHER NATURAL FEATURES.



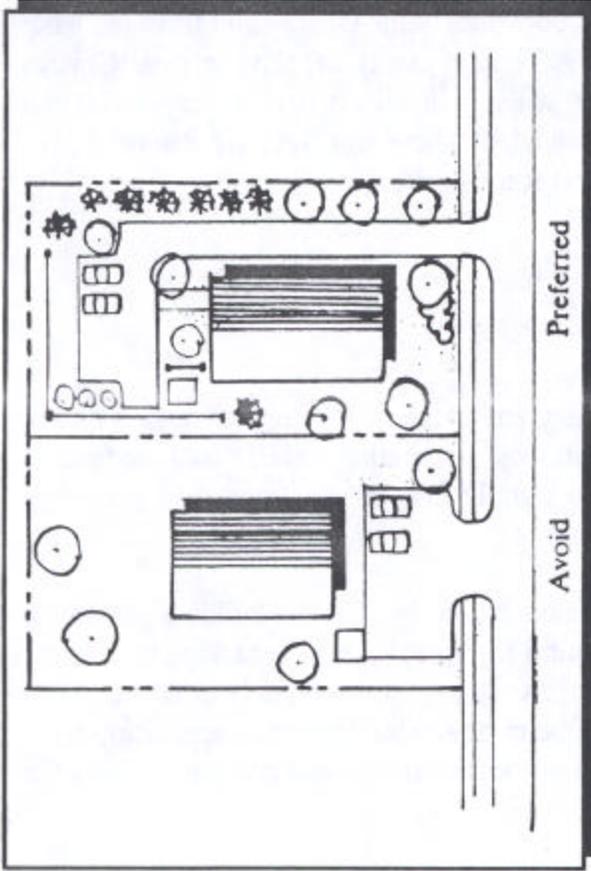
Incorporate existing vegetation into site design.

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<sup>3</sup>Illustrations are from Part III Section 2 "Community Design Guidelines" of the publication : Guide to Land Development, NYS Temporary Commission on Tug Hill, 1989.



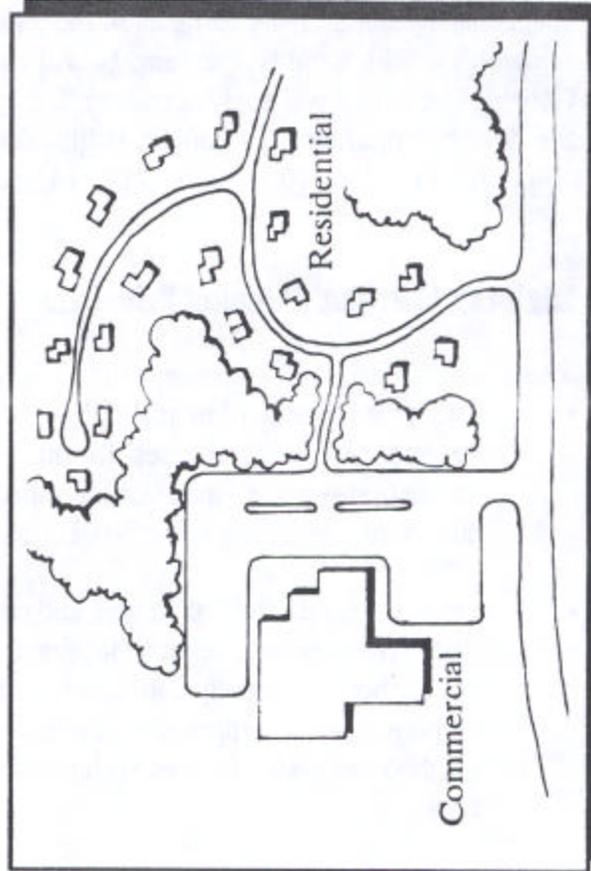
Minimize grading and removal of vegetation. Buildings should relate to natural topography.



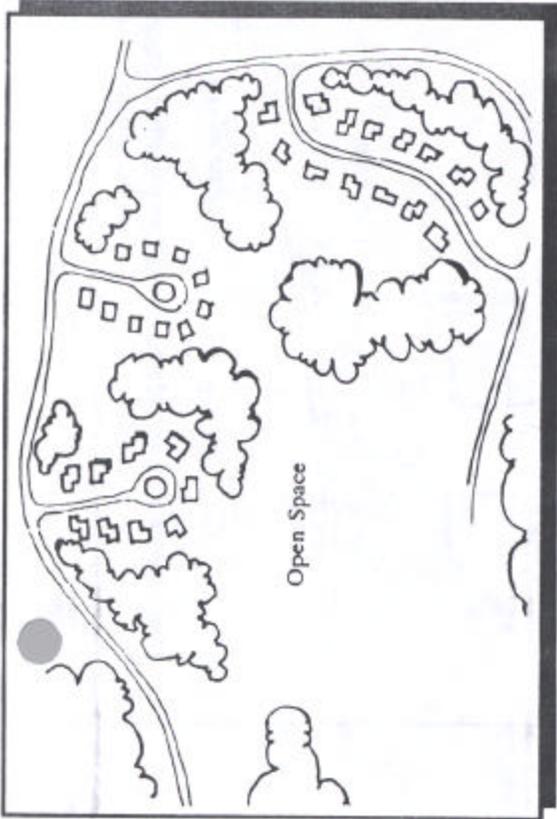
Outdoor storage and service areas should be screened from the view of adjacent properties and public spaces.



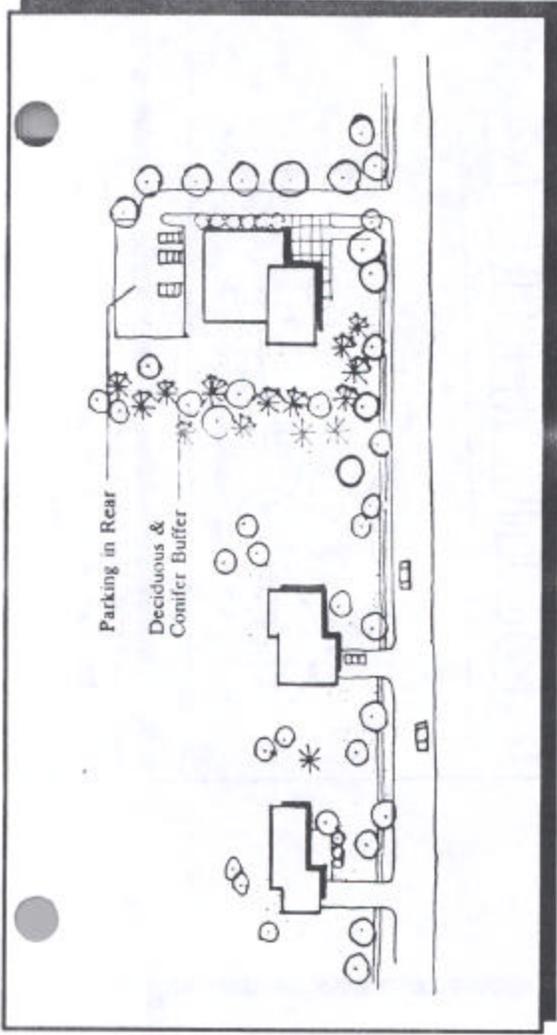
Developers should take advantage of natural views and try to site buildings so that views are also available from public vantage points such as highways.



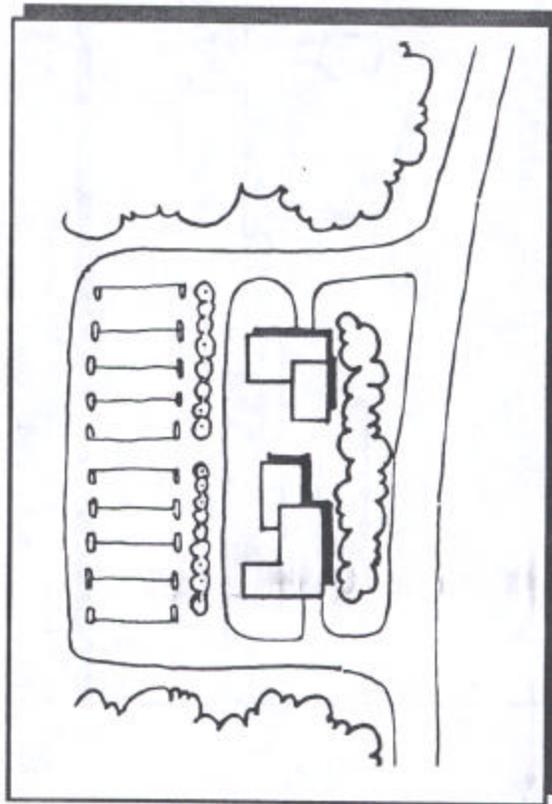
Entrance design should reflect use, impact of commercial activity on non-commercial uses need to be minimized by retention of vegetation and landscaping.



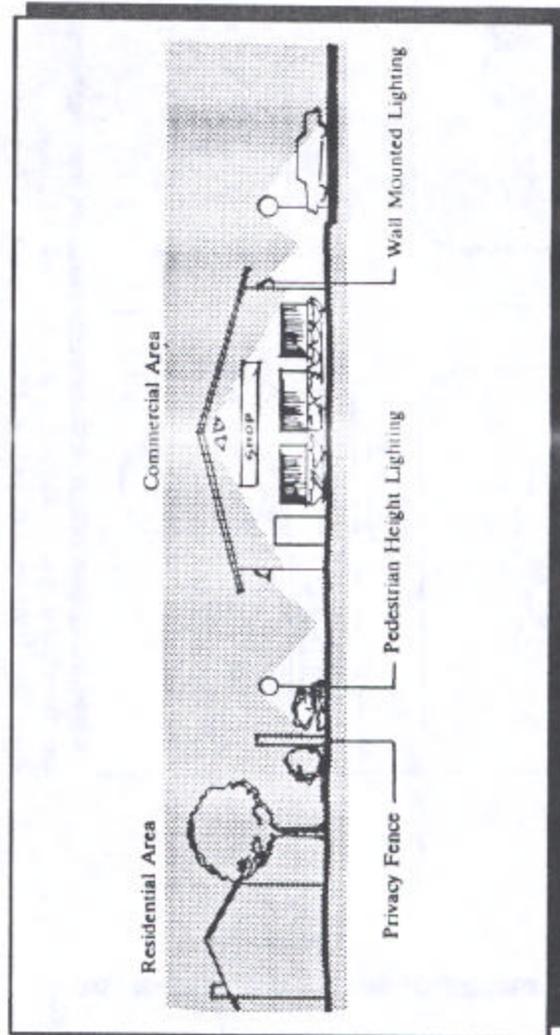
Retain as much open space as possible so as to reduce perceptions of density and urbanization. Clustering of development is one way to accomplish this.



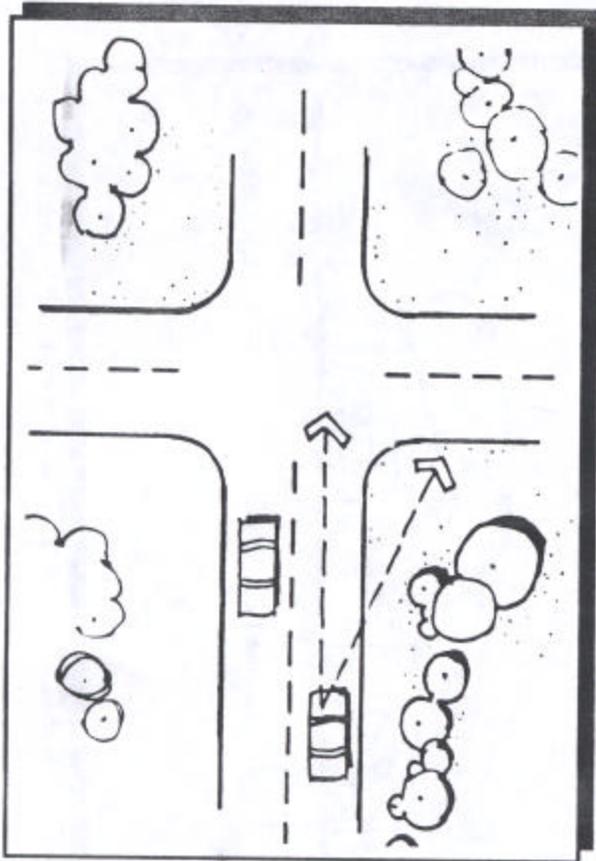
Potential conflicts between uses and visually incompatible building scales can be minimized with transitional buffers, by placing parking and vehicle routes away from the less intense uses.



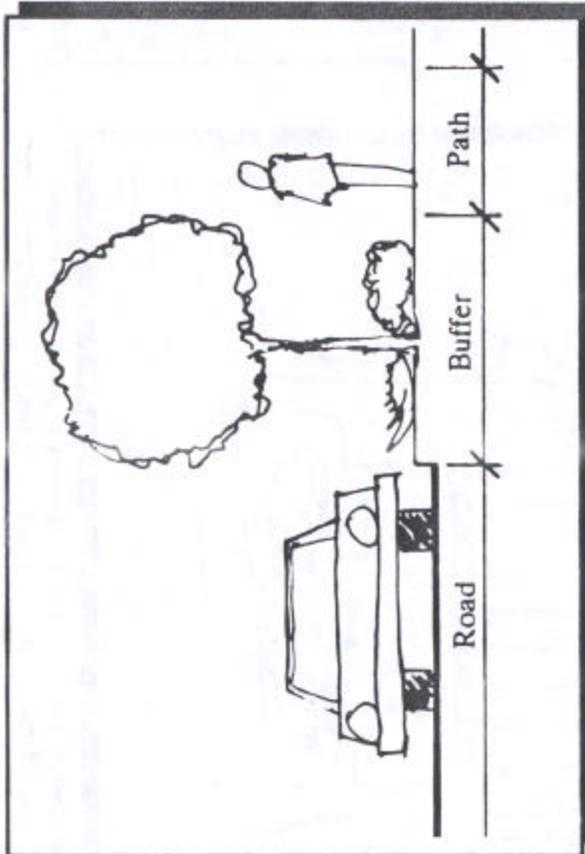
Shared access points to highways, parking to the rear of buildings, and cross access between properties in similar usage can minimize disruptions to highway traffic flow, reduce points of conflict between turning and thru traffic, and permit landscaping that better integrates the project into the rural setting.



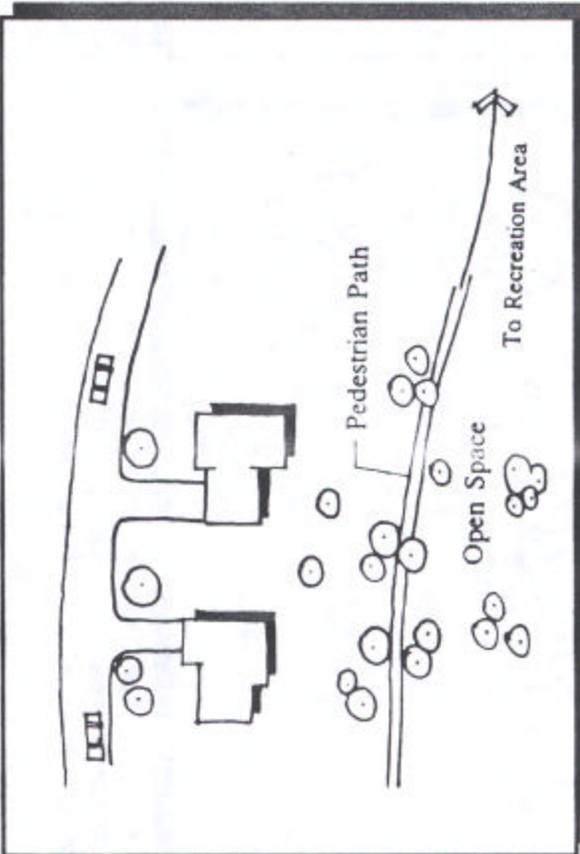
Lighting of commercial sites should not wash over onto adjacent properties.



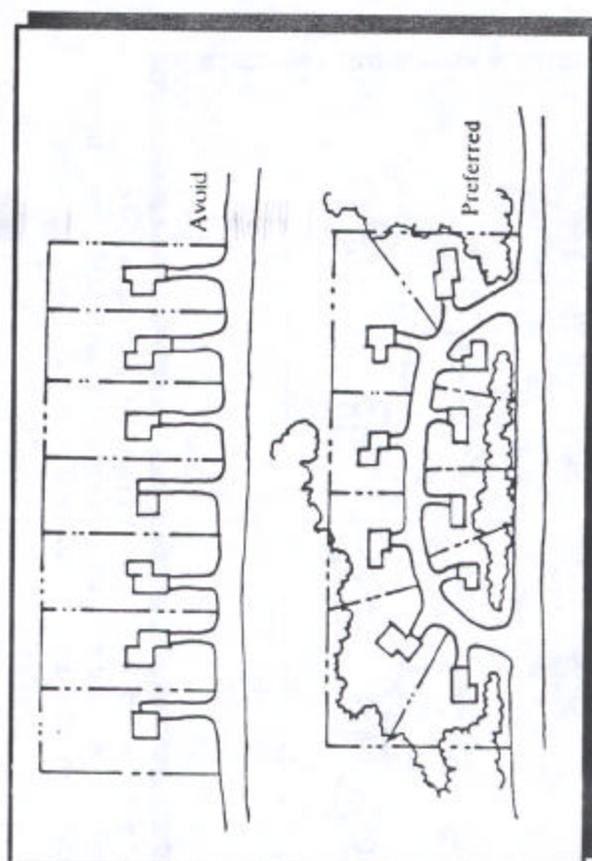
Landscaping is desirable along the highway, but, when designing it, site lines for traffic must be maintained.



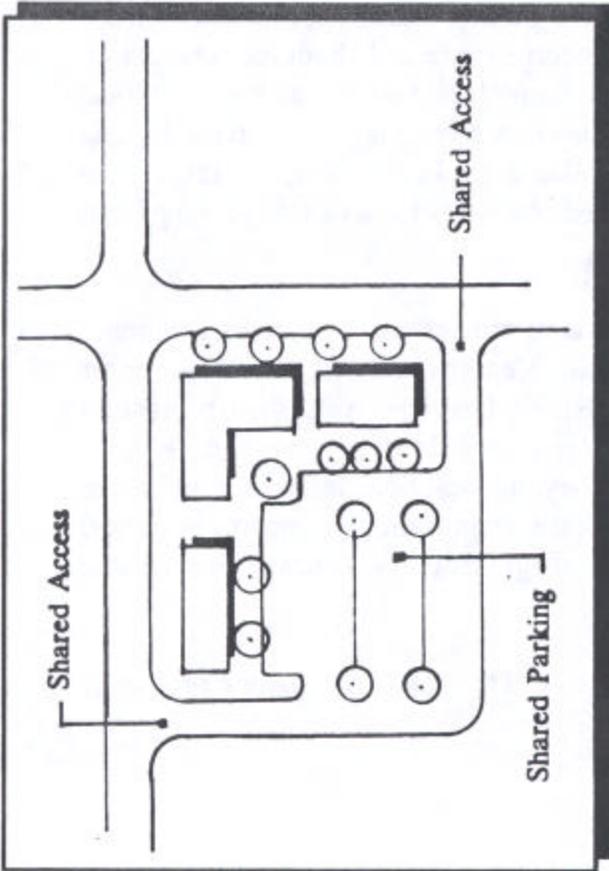
Pedestrian ways should be provided and such ways should be buffered from the highway.



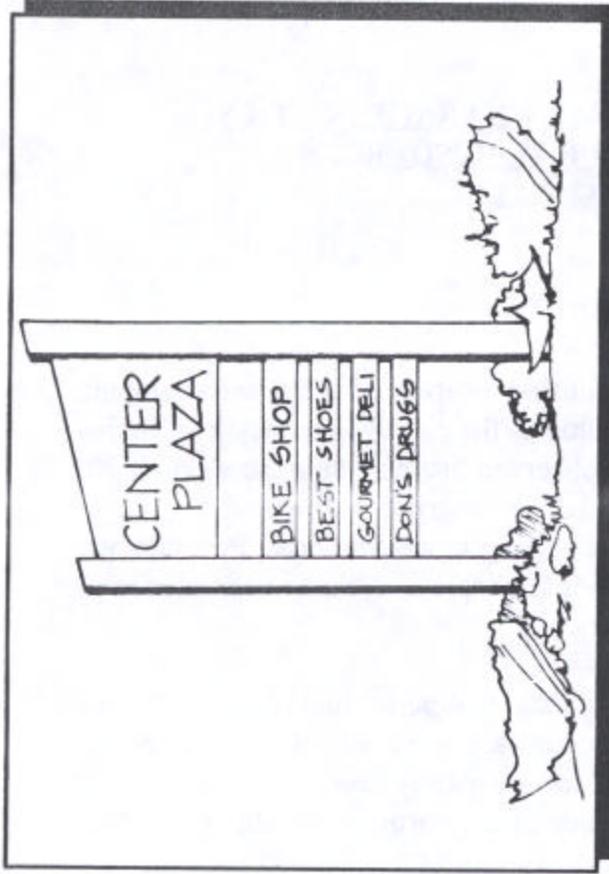
Pedestrian ways should be integrated into open space areas and provide linkages to significant destinations.



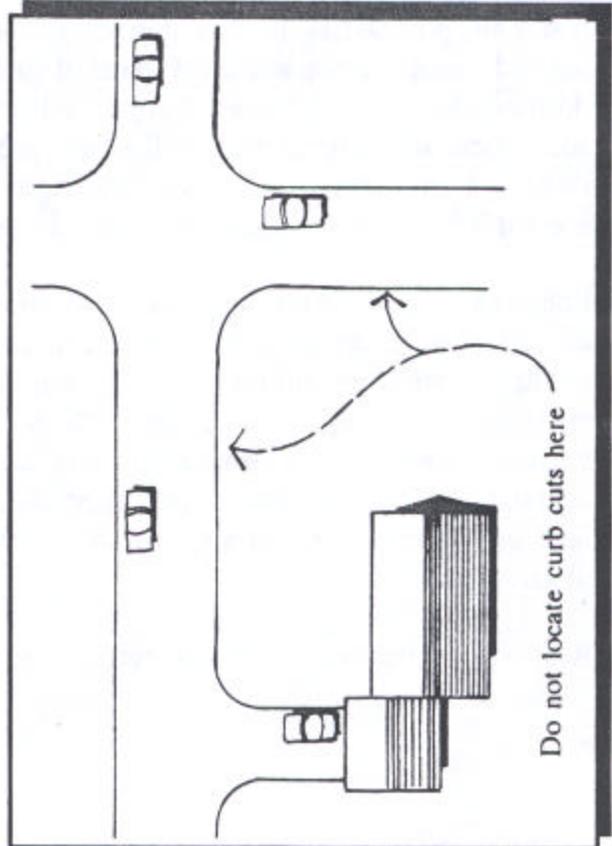
When small subdivisions or business parks are placed along highways curb cuts should be limited, consider access roads instead.



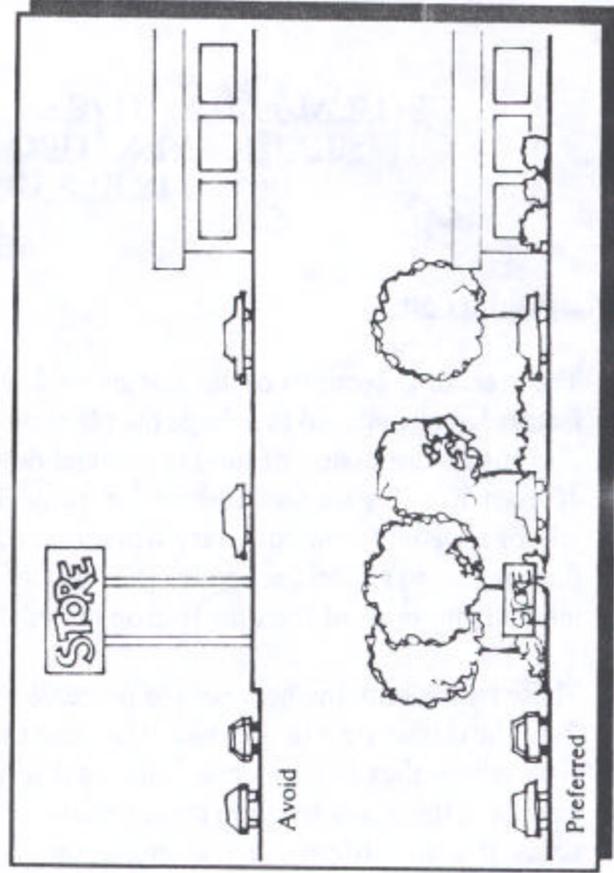
Locate curb cuts at points distant from an intersection and consider shared access for commercial projects.



Signage should be coordinated and appropriate to the project and site.



Set curb cuts away from intersections and maintain clear sight triangle at corners.



Signage should be integrated into site landscaping.

## **D. Development In Urban Areas**

### **1. General Statement of Policy**

In places such as Cayuga County an urbanized place, while certainly not rural, is still a fairly compact place where Asmall town≡ character and values set the tone for daily life. The County=s central city, Auburn, is fairly small. Its population is 31,258 persons. <sup>4</sup> It is compact, 8.5 square miles in area. The largest of the County=s nine villages is Weedsport with a population of 1996. Each of the nine villages covers about a square mile. Surrounding the City and some villages are suburbs. Then there are a dozen or so hamlets. These are small settlements scattered throughout the countryside. A typical hamlet is a cluster of a dozen or so homes and perhaps a small business or two.

To a person driving along the highway, Cayuga County=s urbanized places seem to assemble themselves gradually from the surrounding countryside as buildings become denser. This slow transition from the rural to the urban is a subtle, but, it is a significant element of the land use character of Cayuga County. And its maintenance is an important planning objective. In most cases, in fact, the land use plan for a Cayuga County urban place looks like a concentric circle of progressively less dense and intensive development activity and when the urban place=s border reaches its rural neighbor, the plans of each are often very similar.

While urban and rural places serve different functions, in a place such as Cayuga County one need not be in isolation of the other. Many of the rural planning principles (for example, the highway development principles) articulated in the previous chapter of this Plan would, with modification, work well in urban places too. For example, there is no reason to ignore green spaces, landscaping, buffers, trees and so on in a central business district, along a busy city street, or in an urban residential neighborhood. The main difference between using some of the design elements suggested for rural areas in an urban setting is that, in urban places, their installation needs to be customized for the specific circumstances of the development, rather than the broader application acceptable in rural places.

Planning for urban places generally needs to be more detailed and site specific than for rural areas. Therefore, while a general county plan can be very useful for a rural area, often even able to serve as a local plan for a rural town, in an urban place detail beyond what can be included in a county level document is required. As a result, the Cayuga County Planning Board looks to local plans for guidance when it considers urban projects. The Board=s objectives, when considering urban projects will include support for the objectives of the applicable urban area plan and achieving compatibility where urban and rural places meet.

### **2.Guidelines**

- a.** The small hamlets and villages of Cayuga County took roots to accommodate the foot and horse travel patterns of the 18th and 19th centuries. While they were conceived in another era, they are an alternative urban design that many Cayuga County residents find to be a desirable one in which to live and work. Plans and related regulations should recognize the distinct nature of these communities and try to encourage development within them that is consistent with their established characteristics.

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<sup>4</sup>All data , except where noted otherwise, is 1990 US Census data

- b.** Features of the project should be consistent of those of the urban neighborhood where the project is proposed. For example sidewalks, street lights, front yard depth etc. should be similar to that of neighboring properties.
- c.** Consistent building setbacks are encouraged and new buildings should conform to setback lines established by existing buildings.
- d.** Accessory structures such as garages, parking lots, drive-thrus, etc. Should be to the rear of principal structures.
- e.** Trees and landscaping consistent with area norms should be included in project site design.
- f.** Parking lot placement or design should not interrupt pedestrian movement.
- g.** County Planning will seek to support the goals of the adopted local plan when it comments on a referral from an urban place.

## **E. Suburban Development**

### **1. General Statement of Policy**

The primary suburban areas of Cayuga County are in the towns surrounding Auburn: Owasco, Throop, Aurelius, Sennett and Fleming Since suburbs are essentially residential places, the quality of suburbs as places is directly related to the quality of their housing. However, there are some that have important industrial and commercial sections. Usually these industrial sections have taken a foothold over the past decade or two as the requirements of modern industry have dictated industrial park settings or large land areas to facilitate expansive, single story plant designs. The commercial areas in suburbs are likely to be highway commercial areas that evolved in response to commuting patterns, the desire of retailers to provide customer parking unavailable in downtowns, and the recent trend to big box retailing.

Suburban style highway commercial areas in Cayuga County are found on Rt. 5 in the City of Auburn, in Sennett (Rt. 5), Aurelius (Rts. 5&20) and near the NYS Thruway in the Town of Brutus. Suburban industrial park development sites or individual sites where comprehensive single occupant industrial development is feasible can be found in Sennett (Rt. 34), Aurelius (between Genesee St. and Rts. 5&20) and near the NYS Thruway in the Town of Brutus.

### **2. Guidelines**

- a.** New suburban residential growth should be designed so that it acts as a settlement rather than an isolated subdivision. It should result in a neighborhood.<sup>5</sup>
  - i.** Define public spaces clearly so that they are visual and functional focal points.
  - ii.** Achieve cohesion not uniformity for the project by emphasizing order rather than repetition.
  - iii.** Encourage diversity in design
  - iv.** Encourage non-residential uses near new residential ones provided those uses serve the immediate community.

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<sup>5</sup>Rural By Design, Randall Arendt, American Planning Assoc., 1994, pages 60-63 citing the principles of Harold Williams, Rensselaerville Institute.

v. Emphasize natural conditions and environmental features in design.

b. The suggestions offered elsewhere in this document concerning design guidelines for highway commercial development in rural areas are in response to the undesirable characteristics of uncontrolled suburban highway commercial development. Where in-fill or expansion is proposed for existing highway commercial areas, the County Planning Board believes that these principles should be applied during the conduct of site plan reviews or other discretionary review procedures. Generally, the Board does not see a need for new suburban, highway commercial areas in the County.

c. Since industrial siting outside of parks or isolated, large sites can be problematic due to public opposition that can arise quickly and be substantial enough to kill projects perceived to increase traffic, noise, odors, and so on. Therefore the County Planning Board encourages communities desiring industrial development to specifically plan for it. While this discussion is concerned with industrial sites in suburban areas, this position is equally relevant to other areas of the County. Once local policy concludes that industry is desired, local plans should identify and zone specific sites for industry and include appropriate industrial performance standards to limit potentially negative impacts. Industrial promotion agencies, including County Planning, should refrain from supporting industrial siting away from such planned locations except in the most extraordinary cases.

## F. Development Near Environmentally Sensitive Areas

### 1. General Statement of Policy

Resource protection and growth need not be mutually exclusive. The task of the planning process is to identify locations or circumstances where all of the needs of a society may be accommodated so that each individual need is located where it is most appropriate. In such a context, the promotion of growth that is "sustainable" will by definition not be resource depleting. In reviewing matters referred to it, the County Planning Board will seek ways to achieve the integration or linkage between the planning process and resource / environmental protection necessary to achieve sustainable growth. Sustainable development is development:

*"...intended to meet the needs of the present generation without compromising the ability of future generations to meet their own needs"*<sup>6</sup>

### 2. Guidelines

- a. When considering a referral the Board will seek to identifying the places where critical resources worthy of protection or sensitive natural conditions that will restrain growth and development are found. As used here the term **critical/sensitive environmental characteristics**<sup>7</sup> is defined as:
- i. steep slopes
  - ii. flood plains

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<sup>6</sup>Open Space Conservation Plan for the State of New York, NYS DEC, June 1992 ( see page 6 for definition of term)

<sup>7</sup>The New Illustrated Book of Development Definitions, Harvey S. Moskowitz and Carl G. Lindbloom, published by the Center for Urban Policy Research at New Brunswick N.J., 1993 by Rutgers University, page 73.

- iii. soils classified as having high water tables
- iv. soils classified as highly erodible, subject to erosion, or highly acidic
- v. land incapable of meeting percolation requirements
- vi. land formerly used for landfill operations or hazardous industrial use
- vii. stream corridors
- viii. mature stands of natural vegetation
- ix. aquifer recharge and discharge areas
- x. wetlands and wetland transition areas
- xi. habitats for endangered species."

or significant natural and cultural resources:

- i. naturally occurring or manmade features that have intrinsic value and which are, have been or may become critical to the economic and/or social activities or traditions of a community including, but not limited to: (1) highly productive agricultural soils (soil classes 1-4 per NY Ag Land Classification by SWCD ); (2) watersheds of public water sources; (3) unique and irreplaceable vistas; (4) architecturally unique or distinguished structures; (5) structures or places associated with significant and meaningful historic events.
- b. When the Board identifies such areas it will call for environmental constraints to be integrated into a development proposal. These constraints may include requiring conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

## **G. Other**

### **1. General Statement of Policy**

Where appropriate the Board may apply guidelines developed primarily for use in subdivision review (Part Two of this document) to matters being reviewed under this part of the guidelines.

APPENDIX A - Form of Referral Letter for Proposed Action

Cayuga County Planning Board  
160 Genesee St.  
Auburn, NY 13021

Ladies and Gentlemen:

Pursuant to the requirements of Section 239 NYS GML the \_\_\_\_\_ Planning Board hereby refers the following proposed action to the Cayuga County Planning Board:

MAP OF - \_\_\_\_\_  
Zoning \_\_\_\_\_  
Tax Map No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Type of Action \_\_\_\_\_  
Name and Address of Applicant or Agent \_\_\_\_\_

MATERIAL SUBMITTED:

(specify and give number of copies) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REFERRAL CRITERIA: \_\_\_\_\_  
\_\_\_\_\_

SEQRA STATUS:

The project is an (Unlisted) (Type I) (Type II) Action.  
A (Negative Declaration) (Positive Declaration) (Determination of Non-Significance) has been adopted by the Planning Board.  
E.I.S. statement enclosed. (Yes) (No)

The proposed action has received approval from the Cayuga Dept. of Health. (Yes) (No)

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Very truly yours,

## PART TWO

### REFERRALS OF SUBDIVISIONS

## **INTRODUCTION**

This guideline is an attempt by the Cayuga County Planning Board to achieve two goals:

- 1.** To promote sound planning and engineering design practices to improve the quality of life for residents, businesses and visitors to Cayuga County.
- 2.** To lay out in concise fashion the standards and criteria used by the Board in its review of the subdivision of land and the rendering of advice to municipalities regarding those actions.

The Board urges the use of the information contained in this guideline at the earliest possible stages of the land development process.

It is the Board's hope that this guideline will inform municipalities, applicants and others of its administrative procedures to avoid any confusion regarding the areas of jurisdiction of the Board, the manner in which the proposed subdivision is to be referred to the Board and the requirements of notice. The Board believes that these rules and regulations will save time and effort and to avoid procedural defects that may render a development project null and void.

### **1: Definitions**

When used in this guideline the following terms shall have the meanings assigned herein.

**Cluster Subdivision** - A subdivision designed in accordance with the provisions of Section 278, Town Law; Section 37 General City Law; or Section 7-738, Village Law, in which the lot size is reduced in order to achieve a better design, reduce the length of road, reduce infrastructure, preserve open space and protect the environment; or in which lot requirements have been modified; and in each case without resulting in an increase in density on the site.

**Condominium** - A form of ownership with unrestricted right of disposal of one or more units in a multi-unit project, with the land and other parts held in common with owners of other units. For the purpose of these regulations a condominium is considered to subdivision.

**Major Subdivision** - Any subdivision of land not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots, plots, units or parcels or any size subdivision requiring any new street or extension of the local municipal facilities, or the creation of any public improvement.

**Minor Subdivision** - Any subdivision of land not required to be submitted to the Cayuga County Health Department for review under the definition of a subdivision set forth in Section 1115 of the Public Health Law of the State of New York (appendix B)

**Plat** - The term "plat" means a drawing, in final form, showing a proposed subdivision and containing all the required information and details specified by local, county and state laws and regulations.

**Preliminary Plat** - A preliminary plat is a drawing which shows the salient features of a proposed subdivision which has been prepared for consideration by the planning board prior to the submission of the plat in final form. A preliminary plat may also be referred to as a "preliminary map". For the purposes of Planning Board review the preliminary map that is to be referred to the Planning Board shall be the one for which an application has been filed for tentative approval and for which a public hearing is usually scheduled.

**Sketch Plan** - A drawing made prior to the preparation of the preliminary map or the subdivision plat in the case of a minor subdivision to enable the subdivider to save time and expense in reaching a general agreement with the Town or Village Planning Board as to the form of the layout and objectives of the subdivision regulations.

**Subdivision** - A "subdivision of land" means any division of land into two or more lots, plots, parcels, blocks, or sites, whether adjoining or not, with or without streets or highways for the purpose of offering such lots, plots, parcels, blocks, or sites for sale to the public, regardless of how they are conveyed and not only includes residential land but includes industrial and commercial parcels as well and shall include any map, plat or other plan of division of land, whether or not previously filed. For the purpose of Cayuga County Planning Board review a condominium is considered to be a subdivision.

## **2: Subdivisions Subject to Review**

Under New York State General Municipal Law the following actions are subject to review by the Cayuga County Planning Board. The adoption or amendment of a zoning law or ordinance; issuance of a special permit; approval of a site plan; granting of a use or area variance; **subdivision approval** or other authorizations which a referring body may issue under a zoning law or ordinance that lie wholly or partly within 500 feet of:

1. The boundary of any village, town or the City of Auburn.
2. The boundary of any existing or proposed county, state, or federal park or other recreation area.
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway.
4. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
5. The existing or proposed boundary or any other county, state or federally owned land, held or to be held for governmental use.
6. A working farm located within an A District created under Article 25AA NYS Ag and Markets law.

## **3: Modification of basic standards**

In 1993 the State Legislature authorized county planning agencies to enter into agreements with local governments to exempt certain actions from the referral process on the basis that the exempted actions were of a type or scale where they would almost never present an inter-community or county-wide concern. By using this authority and removing such matters from the review process, it is possible eliminate what has been described as little more than passing paper work back and forth. This should result in some cost savings and increased efficiency for all concerned.

Therefore, the Cayuga County Planning Board at its March 1, 1994 meeting adopted a list of matters, otherwise subject to the referral process of the General Municipal Law that would generally have no countywide or inter-municipal impact. Furthermore, the Board authorized the Chairman of the Cayuga County Planning Board to sign an inter-municipal agreement with the Chief Executive Officer of each municipality in the County to exempt such activities from the referral process. That list is hereby modified to delete from the list of subdivisions subject to review, minor subdivisions as defined in section 1 above and any modification set forth in Part One, section 2 of these regulations that may apply to subdivisions. The Chairman is hereby authorized to enter into revised inter-municipal agreements to reflect this modification. All prior agreements shall remain valid until a revised agreement is in place. (See pg. 4)

#### **4: Major Subdivision - Requirements of Notice**

Upon receipt of an application for tentative approval of a preliminary subdivision map lying wholly or Partly within those areas specified in Part 2, the municipality shall refer the preliminary map to the Cayuga County Planning Board. Such referral shall contain:

1. LETTER OF REFERRAL. See Appendix A for form of such letter.
2. Completed, local subdivision application form.
3. Three (3) Copies of PRELIMINARY MAP. The preliminary map shall contain following information:
  - a. Name of map.
    - i. The map shall clearly state the name of the subdivision and that the map is a preliminary map. The preferred form of the name should be either "Preliminary Map of (name) " or "Preliminary Plat - (name) Acres".
    - ii. Any map containing the words "sketch plan" will not be accepted.
    - iii. Duplicate subdivision names within a town or village will not be accepted.
  - b. Village, town or the City of Auburn in which the property is located.
  - c. NAME OF PROFESSIONAL who prepared the map.
  - d. TOTAL AREA of property being subdivided.
  - e. Approximate AREA of each lot and parcel within subdivision.
  - f. Proposed LOT NUMBER of each lot.
  - g. Complete boundary information (BEARINGS AND DISTANCES of all courses) for the perimeter of the property being subdivided.
  - h. Approximate length of each lot and parcel line.
  - i. NORTH ARROW
  - j. ZONING CLASSIFICATION (May be stated in referral letter if not on map). If property is located in two or more zoning districts the zoning district lines shall be shown on the map.
  - k. TAX PARCEL IDENTIFIER NUMBER (May be stated in referral letter if not on map).
  - l. SCALE OF MAP.
  - m. Names of abutting roads.
  - n. TIE DISTANCE to nearest existing street intersection.
  - o. TOTAL NUMBER OF LOTS.
  - p. Subdivider's, applicant's or owner's name and mailing address.
  - q. Existing and proposed stormwater drainage system, including design criteria used.
  - r. Existing and proposed street grades.
  - s. Existing and proposed easements and reserved areas.
4. One (1) Copy of GRADING PLAN, if such was required by the municipality as part of the preliminary map review procedures.
5. One (1) Copy of ROAD PROFILES, if such was required by the municipality as part of the preliminary map review procedures.
6. One (1) Copy of DRAINAGE PLAN, if such was required by the municipality as part of the preliminary map review procedures.
7. One (1) Copy of TOPOGRAPHICAL MAP, if such was required by the municipality as part of the preliminary map review procedures.

## **8. Supporting Information.**

- a.** STATEMENT OF SEQRA STATUS, and copy of any EAF or EIS required by the municipality or any other involved agency.
- b.** TRAFFIC STUDY, if such has been required as part of the review of the preliminary map.
- c.** YIELD MAP - When a proposed subdivision is to be developed as a "cluster subdivision" under the provisions of Section 278 of the Town Law or Section 7-738 of the Village Law a copy of an acceptable yield map is required. When a yield map has not been required by the municipality and the municipality has based the yield upon a mathematical formula a copy of said yield determination with calculations shall be provided.
- d.** Name and address of applicant.

## **5: Condominiums - Requirements of Notice**

Upon receipt of an application for approval of a site plan for the development of property under the condominium form of ownership the proposed condominium proposal shall be referred to the Cayuga County Planning Board. The referral shall contain such information as is enumerated in part 3 above for a major subdivision and, in addition, the site plan shall show or the referral letter state the number of unit and buildings proposed and the parking required and provided.

## **6: Procedures of the Cayuga County Planning Board for Subdivision Review**

### **A. Date of Receipt of Subdivision Referral**

1.The date that the Cayuga County Planning Board receives a complete and proper referral of a proposed subdivision at its offices at Auburn, New York, shall be the official date of receipt of said referral. A copy of the public notice announcing that a public hearing will be held on a proposed subdivision sent to the Board will not be accepted as a complete and proper referral. A Projects & Proposals Review Meeting will be held at 3pm on the 3<sup>rd</sup> Thursday of the month. In order to be considered at a given month's meeting a complete referral must be received by 3pm on the 2<sup>nd</sup> Tuesday of the month. Should a review meeting fail to attract a quorum, the staff report(s) concerning any item(s) on the meeting agenda shall be submitted to the referring agency as technical assistance as authorized by NYS GML 239c-3g with a notation indicating same.

2.In the event that the referral is not complete, the date of receipt of referral will be taken as the date on which the last item needed to complete the notification is received. A notice that a referral is incomplete will be sent to the referring agency indicating what information is missing.

### **B. General**

1.Submission of referral by mail -The referral may be submitted by regular mail by the authorized municipal agency.

2.Submission of referral by messenger - Referrals will be accepted at the Planning Board's offices at Auburn, New York, provided:

- a.** All materials are in a sealed envelope.
- b.** All deliveries are made through the municipal agency responsible for the regulation and approval of subdivisions.

c. The referral letter clearly states what materials are being transmitted.

### 3.Submission of referral by others -

a. Proposed subdivision maps and other required materials that are received by mail or delivered by messenger directly from the subdivider, owner, or the subdivider's engineer, surveyor, planner, or agent will not be accepted as an official referral by a municipality unless accompanied by a written letter of authorization from the municipal agency authorized to approve subdivisions. The letter shall specifically state what materials are being delivered.

### 4.Lead Agency Status - SEQRA

The Planning Board will not assume the role of lead agency. SEQRA intends that the agency closest to and most impacted by the action to assume this role., In the case of subdivision approval that would be the local reviewing agency.

## C. Procedure of the Subdivision Review

1. Upon receipt of a referral, the referral will be checked for jurisdiction and for completeness by the staff of the Planning Department. Any referral found to be incomplete will be deemed an "Incomplete Subdivision". The staff will notify the referring agency that the referral is incomplete and that it will not be accepted and reviewed by the Planning Board until the missing material or information is received. The staff will also inform the referring agency as to what materials are required to complete the referral. All incomplete referrals will be placed in the incomplete file until such time that the missing material or information is provided.

2.The staff shall take those steps it deems necessary to check all material referred to the Planning Board and to make its analysis and report. This may include: field inspections, discussions with appropriate local officials and their planning staffs and consultants and review with other county and state agencies. Upon completion of its analysis the staff will prepare its report for submission to the Board.

3.The staff may discuss a proposed subdivision with a subdivider or his agent at his request to clarify Planning Board procedures or to clarify the general policy of the Planning Board pertaining to the subdivision of land. Preferably, where possible, the referring agency should inform the subdivider or his agent as to Planning Board procedure and policy. If the discussion with the subdivider or his agents involves any maps, plans, or other documents or any information that has not been submitted to the Planning Board by the referring agency, the staff may, if in its opinion it is necessary, notify the referring agency in writing of the general scope of the discussion. The staff will request that the subdivider or his agent provide copies of the material that was discussed but had not been referred to the Planning Board by the referring agency to the referring agency.

4. A staff report concerning the referral will be prepared for consideration by the Planning Board and considered at a regularly scheduled Planning Board projects review meeting. Generally a review will be conducted at the first projects review meeting scheduled following receipt of a complete referral.

5. The Planning Board after review and due consideration of the staff report and submitted referral materials may by resolution:

- a. render a report approving the proposed subdivision without change;
- b. render a report recommending changes in the proposed subdivision and approving the proposed subdivision with such changes;
- c. render a report disapproving the proposed action; or

- d.** render a report stating that the referral was found to be incomplete or it was determined that additional material was found to be necessary for review of the proposed subdivision.

Generally the Board will not entertain presentations by applicants or project supporters or opponents. The County Planning Board's review is a technical one of limited scope intended to advise the local reviewing agency of intermunicipal and countywide issues associated with the matter under review. The local agency will conduct a public hearing concerning the project and that is the proper forum for such presentations.

**6.** Any proposed subdivision that was previously reviewed by the Planning Board and for which a report was issued will not be reviewed again by the Planning Board unless:

- a.** There has been a significant change in any of the design elements;
- b.** There has been a change in any law affecting the subdivision of land; or
- c.** There has been a change in County, State, or Federal developmental policies.

The referring agency will be sent a letter notifying it that the referral will not be reviewed again together with a copy of the Planning Board's original report.

**7.** The Cayuga County Planning Board shall be informed as to the action taken by the municipal referring agency on the proposed subdivision within seven (7) days of said action by the referring agency in accordance with the requirements of NYS General Municipal Law.

#### **D. Criteria Used in Analysis**

**1.** The analysis of a proposed subdivision will include but not necessarily be limited to the following:

- a.** Proposed character and appearance of subdivision and its impact upon the community in relation to prominent land uses in the vicinity, population density, and relationship between residential and nonresidential areas in the vicinity.
- b.** Appropriateness and compatibility of land uses.
- c.** Relationship to existing or proposed official governmental development policies as expressed through comprehensive plans, capital budget, official map, or regulatory measures.
- d.** Relationship and effect on community facilities and public convenience, safety and general welfare.
- e.** Traffic generation and its effect upon County and State roads, highways, and existing land uses.
- f.** Design of traffic access to site and plots or lots and buildings.
- g.** Effect upon County drainage systems, streams and channels.
- h.** Appropriateness of design standards for: Layout of streets and plots; stormwater drainage; and other public improvements.
- j.** Impact upon environmentally significant areas, both natural and created.
- k.** Any other criteria as felt necessary.

#### **E. Content of Planning Board Report**

When a proposed subdivision is disapproved or is approved with recommended changes by the Planning Board the Planning Board will explicitly state in its report the reasons for its action. The statement of reasons shall be designed to assist the referring agency to form its own judgement as to what action, if any, it should take with respect to the proposed subdivision.

## **F. Approval of Proposed Subdivisions Without Required Board Review**

1. Should it be brought to the attention of the Planning Board and verified by the staff that a proposed subdivision has received local approval without referral to the Planning Board, as required, the staff will:

- a. Notify the subdivider and the agency responsible for approving subdivisions in the municipality where the subdivision is located that: “ *the filing of the subdivision in the County Clerk's Office may be procedurally defective and could invalidate the use and occupancy of the premises and adversely affect the owner's interest therein.*”
- b. If the referring agency refers a proposed subdivision to the Planning Board that has been filed in the County Clerk's Office without a review by the Planning Board, the Board may elect to:
  - i. Reject the map and not review it;
  - ii. Take no action on the map; or
  - iii. Render a report on the map.

## **G. General**

All the rules and procedures set forth previously shall be subject to change and revision without prior notice.

## **7: Board Policies and Guidelines Relative to Subdivision of Land**

### **A. Subdivisions That Have Frontage on a County or State Road**

#### **1. General Statement of Policy**

Unrestricted vehicular access to properties along a county or state road can seriously affect the ability of the road to carry traffic efficiently and safely. Loss of carrying capacity of a county or a state road resulting from the proliferation of access points, particularly driveways, can result in the need to widen and reconstruct the road. Such improvements are costly, both economically and socially. The objective of the Board is to help preserve the traffic safety and carrying capacity of county and state roads.

#### **2. Guidelines**

- a. The number of intersections along a county or state road is to be held to a minimum to insure satisfactory traffic flow and to facilitate the installation and coordination of traffic control devices at intersections when required. Intersections should be spaced no closer than 1000 feet.
- b. No proposed subdivision street is to intersect a county or state road without consideration being given to the location of other intersections along the county or state road. Offset street intersections are to be avoided. Where an offset intersection is unavoidable the distance between the intersection of the side streets is to be a minimum of 150 feet.
- c. No major subdivision should be designed with lots that have frontage on the road, having vehicular ingress and egress on the county or state road. Access for lots along a county or state road is to be provided by an interior street of the proposed subdivision or other local street.
- d. Vehicular ingress or egress for a residential corner lot that has frontage on a county or state road is to be restricted to the local road at a point that is no closer than 50 feet from the end of the short radius curve that forms a corner of the intersection of the two roads.

**e.** Where the creation of ingress and egress on a county or state road for a corner lot in a commercial or an industrial subdivision can not be avoided, the point of ingress and egress is to be located no closer than 50 feet from the end of the short radius curve that forms the corner of the intersection of the two roads.

**f.** In the case of a minor subdivision where vehicular ingress and egress for two or more lots on a county or state road cannot be avoided an easement should be created to provide for a common driveway. Creation of a common driveway will help to minimize the number of points of ingress and egress along the road. The common driveway providing vehicular ingress and egress for two or more lots is to have a greater pavement width at the right-of-way line of the county or state road and for a distance of at least 20 feet into the property to avoid any problems when a vehicle is leaving the property at the same time one is entering.

**g.** Whenever a driveway, a curb cut, or an intersection is created on a county or state road, it is to be designed to insure that the driver of a vehicle leaving the property or the side street and the driver of a vehicle approaching the property or the intersection has the minimum required sight distance to observe an approaching or exiting vehicle.

**i.** Before any approval of a subdivision is given by a local planning board, the subdivider should be required to obtain all the required permits and approvals from the state, county or local agency having jurisdiction over that highway.

**j.** A proposed road is to intersect a county or state road at a right angle.

**k.** A driveway on a county or state road should make an angle of 90 degrees with the road. In those cases where this is not possible the angle should not be less than 70 degrees. The driveway angle is to be measured between the center line of the driveway and the nearest edge of the right-of-way of the road. Where the driveway is located on a curve the center line of the driveway should coincide with a radial of the curve.

**l.** Where the County has or is formulating plans for the widening, reconstruction, or other improvement of a county road, the proposed subdivision layout should take into consideration such plans.

**m.** A short radius curve, preferably with a radius that is no greater than 20 feet, is to be provided at each corner of the intersection of a proposed road with a county or state road to facilitate turning movements and enhance the streetscape.

**n.** In order to minimize the number of access points on a county or state road for commercial lots and to insure that there will not be any conflicts between the points of access that are created, consideration is to be given to establishing, through the creation of easements, common use of access points and parking by these lots. A vehicle should be able to pass from a parking area on one lot to a parking area on another lot without the vehicle having to reenter to road.

## **B. Subdivision Roads**

### **1. General Statement of Policy**

The objective of residential subdivision design is to provide for maximum residential amenity with a minimum of traffic. In the case of a commercial or an industrial subdivision the objective is to create a

functional and viable economic asset for the community. These goals can not be achieved without safe and efficient access and circulation.

## 2.Guidelines

**a.** The roads for a proposed subdivision are to be laid out taking into consideration the topographic, vegetative and historic features of the site. Steep grades and excessive earthmoving and grading are to be avoided.

**b.** Maximum length of a cul-de-sac street within a residential subdivision is not to exceed 1000 feet in a low density area and 800 feet in other areas.

**c.** There must be sufficient room at the end of a cul-de-sac in a residential subdivision to permit a snow plow and other service equipment to turn around without difficulty. The minimum required radius at the property line (street line) for this purpose is considered to be 50 feet with the outer curb having a radius that is no less than 40 feet.

**d.** A cul-de-sac street in an industrial or a commercial subdivision is unacceptable. The road system for an industrial or a commercial subdivision must be laid out for efficient movement of traffic, particularly by large trucks and tractor-trailers. Cul-de-sacs are often blocked by haphazard parking that hinders delivery and pick-up of material and products. Large trucks and tractor-trailers have difficulty in turning around in cul-de-sacs because of turning radius limitations complicated by haphazard parking.

**e.** A cross-street intersection within a residential subdivision is not satisfactory because of traffic conflicts and the need for the municipality to install and maintain traffic control devices which are often ignored by careless drivers. The T-type intersection has been found to be a safer and more satisfactory intersection in a residential subdivision.

**f.** Long, straight streets encourage speeding and are aesthetically displeasing. Speeding vehicles can endanger residents, result in the loss of residential amenities through increased noise and apprehension, and result in other social and economic problems. Therefore, long, straight streets in residential subdivisions should be avoided.

**g.** An alternate means of access must be provided for all subdivisions to insure access by emergency and service vehicles. Where a second street for an alternate means of access can not be provided a special right-of-way must be created for this purpose.

**h.** Where an offset intersection is required within a residential subdivision the distance between the center lines of the two intersections must be at least 125 feet.

**i.** Within a residential subdivision a road should intersect another road at an angle of 90° but in no case at an angle that is less than 70°. In commercial and industrial subdivisions a road is to intersect another at right angles. Where a road in a residential, commercial or industrial subdivision intersects a curving section of a road the intersecting road should intersect along a line that is radial to the curving section of the other road.

**j.** A short radius curve, preferably with a radius no greater than 20 feet, should be provided at each corner of an intersection to facilitate turning movements and to enhance the streetscape.

**k.** Proposed roads should not be designed with angular bends, but with curves where there is a change in direction.

- l.** Each subdivision should be laid out so as to discourage through traffic. Cul-de-sac and loop streets should be encouraged as these streets are only used by local traffic.
- m.** Where access to a subdivision is provided by an existing private road the following should be required to insure accessibility by residents, visitors, and emergency service equipment to the properties served by the private road.
  - i.** The private road should be brought up to municipal standards and specifications.
  - ii.** The right-of-way of the private road should have a minimum width of 50 feet.
  - iii.** The owner of the property should offer for dedication to the municipality for highway purposes that portion of the private road affected by his subdivision. Where several parties have interest and/or rights in the private road the owner should offer for dedication his interest in the road.
  - iv.** A private road or a common driveway serving two or more lots shall be given a distinctive name and properly signed to facilitate the location of the properties served by the private road or common driveway by police, fire equipment and other emergency services.
  - v.** The proposed pavement width of a private road or common driveway within a right-of-way should be a minimum of 18 feet. In addition, the width of the pavement within 25 feet of the right-of-way line of a public road shall be increased to accommodate vehicles entering and leaving the property at the same time.

## C. Subdivisions That Have Water Frontage

### 1. General Statement of Policy

The shorelines of lakes and rivers in Cayuga County are one of the county's prime economic, aesthetic, and environmental assets. It is the objective of the Board to encourage the preservation of this resource.

### 2. Guidelines

The Board will accomplish this by considering whether a subdivision proposal has utilized adequate setbacks to offset the affect of erosion, discourages activities that will hasten erosion and disturb the ecological balance of the area, and preserves the aesthetic attributes of the shoreline. Furthermore, in order to protect life and property the Board will usually require building envelopes be shown on lots within FEMA mapped flood prone areas. The building envelopes shall be on portions of lots outside the floodway or floodplain as defined by FEMA maps. And the placement of structures shall be restricted to these envelopes.

## D. Stormwater

### 1. General Statement of Policy

Proper collection, retention, and disposal of stormwater runoff created by the development and improvement of all or any part of a tract of land that has been subdivided is essential for our environmental and economical well-being. The time for establishing control of stormwater runoff is when the tract is being designed for subdivision and not later when serious problems of erosion and flooding occur. Proper control must be exercised over the site when the site is being developed.

Allowing runoff from a subdivision to flow out into a county or state road may result in the overloading of the road's stormwater drainage system and as a consequence can contribute to flooding. This condition

is not only hazardous but also limits the road's ability to carry traffic efficiently. Runoff may deposit soil and other material onto the surface of the road resulting in a hazardous road condition, in addition to being a maintenance problem. Soil erosion not only wastes an important natural resource, but the sedimentation resulting from erosion carries deleterious materials, in addition to eroded soils, in solid form and in solution. These materials can alter wildlife environments and prevent use of recreational facilities.

## 2.Guidelines

- a.** All stormwater collection and disposal systems should be designed in accordance with the most recent, generally acceptable engineering standard applicable to the project.
- b.** The storage capacity of a leaching pool should be sufficient to contain 2 inches of rainfall on the catchment area adjusted for the coefficient of runoff. The minimum acceptable value of the coefficient to be used is 0.30.
- c.** Storage capacity of a recharge basin should be sufficient to contain 8 inches of rainfall on the catchment area adjusted for the coefficient of runoff. The minimum acceptable value of the coefficient to be used is 0.30. Where a suitable overflow can be provided the storage capacity of the recharge should be sufficient to contain 5 inches of rain fall on the catchment area adjusted for the coefficient of runoff.
- d.** Access to recharge basins and retention areas should be restricted to the interior of the subdivision and should not be from any county or state road.
- e.** Erosion and sediment control measures should be required during and immediately after construction on a site to help prevent stormwater from carrying soil and other deleterious material onto adjacent properties and highways and into wetland areas and adjoining bodies of water.
- f.** All stormwater runoff resulting from the development and improvement of a subdivision or any of its lots should be retained on site by adequate drainage structures so that the stormwater runoff will not flow into the right-of-way of a county or state road into any body of water, or into any county, state or federal property.
- g.** In a major subdivision it is felt that, from the maintenance and storage capacity points of view, a recharge basin is preferable to catch basins with leaching pools for the disposal of stormwater runoff.
- h.** In the design of a commercial or an industrial subdivision consideration should be given to the manner of storage and disposal of commercial and industrial wastes, as well as stormwater, from impervious surfaces. These waste materials and the stormwater runoff carrying deleterious substances can have an adverse impact upon the aquifer and upon wetlands, shorelines, streams and other bodies of water.
- i.** Where there is a high groundwater table or an adverse soil condition and it is necessary to discharge stormwater runoff into a body of water a retention basin with a minimum storage capacity of 2 inches should be provided. In lieu of a retention basin leaching pools may be allowed, however, the storage capacity of the retention basin should be 2 inches.

## **E. Farmlands and Other Environmentally Sensitive Lands**

### **1. General Statement of Policy**

The creation of a conventional subdivision layout on a prime farmland tract or other environmentally sensitive lands will result in the loss of a valuable economic resource and open space. It is also possible that the loss of the farmland feature of the landscape may have an impact upon the tourist industry. It is the objective of the Board to encourage the preservation of Cayuga County's prime farmlands and other environmentally sensitive lands through innovative subdivision design.

### **2. Guidelines**

- a.** Use of the "cluster" and "transfer of development rights" concepts should be encouraged to save prime farmlands from total development. Cluster maps which preserve farmland should be designed so that the farm reserve is of sufficient size to permit a homesite, farm structures and an economically viable agricultural operation.
- b.** In areas containing prime farmlands an overall development plan should be developed showing the areas that can be utilized for houses and the areas of farmlands that are to be preserved. Such a plan will insure that parcels to be reserved as farmlands will be contiguous to one another and of an area and shape that will insure their economic and practical use. The plan can also help to avoid any conflicts between residential and farmland uses.
- c.** Parcels within a proposed subdivision that are being set aside as farmland and open space should be so indicated on the final map.
- d.** Lots that are created adjacent to cultivated farmlands are to be designed to insure non-interference with the agricultural use of the adjoining tract and to avoid conflicts between the farmer and residents.

## **F. Open Space**

### **1. General Statement of Policy**

Land that is set aside as open space as part of the subdivision design process must remain as such. Measures must be taken to insure that this land is not used for purposes other than that intended and that the land does not end up in County ownership because of non-payment of taxes.

### **2. Guidelines**

- a.** Before final approval is given to a proposed subdivision with open space areas it is necessary to ascertain whether the open space area will be dedicated to or the development rights granted as an easement to a governmental agency, a homeowners' association, a bona fide conservation organization, or other entity in order to insure that the open space areas remain as such.
- b.** Adequate restrictions should be placed upon open space areas to insure that these areas will not be subdivided in the future, used for commercial purposes, or used as collateral for improvements within the subdivision in the future.

c. The scenic easements and other open space areas should be delineated upon the final map so that future lot owners are aware of them and to provide for better enforcement of the covenants and restrictions.

d. In those areas where large lots are subject to scenic easements, conservation easements or natural and undisturbed buffers, any fences that are erected along the property lines in these areas must be of such construction that wildlife will not be hindered in their passage through these areas.

## **G. Subdivisions Adjacent to County Parklands**

### **1. General Statement of Policy**

The County has since the 1960s pursued a policy of acquiring lands for park, trail and conservation purposes. These lands represent a considerable economic investment that will benefit future generations. Therefore, conflicts between residents and users of these lands must be avoided. This can be achieved through proper subdivision design that takes into consideration the activities of homeowners and the users of parks and trails.

### **2. Guidelines**

a. A fence, in accordance with zoning requirements as to height and type, should be erected by the subdivider along the common boundary of his subdivision with a County park property. The fence will help to avoid any conflicts that may arise between the future lot owners and the users of the County parklands who may unknowingly enter upon private property if the property line is not fenced. The fence, by defining the boundary line between the properties, will also help prevent encroachment onto the County parklands by future lot owners. The fence should also be of a type that will not be a complete barrier and a hazard to wildlife.

b. Where large wooded lots abut County parklands or trails a buffer that is to remain in its natural state should be established along the common boundary line. Clearing and grading within this area should be limited to that necessary for removal of diseased, decayed and dead materials and those undesirable species that may be overcoming existing plant species.

## **H. General**

### **1. General Statement of Policy**

Once a parcel of land is subdivided the pattern of its layout will remain almost indefinitely. For example, European cities leveled during World War II were often rebuilt with only minor changes in the street pattern due to the existing infrastructure and property ownership pattern. Therefore, serious consideration should be given to the impact that the subdivision will have, not only during the present time but in the future. The layout of a subdivision should take into consideration the preservation of the natural and historical features of the site and the creation of an environment that will enhance residential amenities of those who will reside in the subdivision. It is the desire of the Board that in promulgating the following guidelines that these goals and objectives will be achieved and that in the future the pattern of the layout on the landscape will still be suitable for the use of future generations.

## 2.Guidelines

- a.** No clearing, grading or other physical work should be allowed to be undertaken on the site of a proposed subdivision until the map, as well as all plans for the subdivision have been finalized and all required approvals have been obtained.
- b.** To help prevent the unauthorized subdivision of any parcel of land, especially an oversized lot, a proposed subdivision map should contain a statement such as the following: *“No lot shall be subdivided or any lot line changed or modified in any manner without application to and approval of the city, town or village planning board.”*
- c.** To discourage any attempt to subdivide an oversized lot, a lot within a proposed subdivision should not have an area that is greater than 150% of the lot area required by zoning. Where a lot or lots have an area that is greater than 150% of the minimum lot area the subdivider should be required to file a covenant and restriction prohibiting future subdivision of the lot or lots.
- d.** A corner lot, since it has frontage on at least two roads, should be provided with extra depth for greater separation between the residence on the lot and traffic activity on the roads.
- e.** When a tract of land abuts the right-of-way of a railroad a buffer should be created along the right-of-way to help preserve residential amenities by reducing noise levels and minimizing visual intrusion. Where the area adjacent to the right-of-way is open field a landscaped, earth berm should be constructed. Utilizing a cluster layout that would place a large open space area between the railroad right-of-way and the residential structures would be preferable in place of the wooded buffer strip or the landscaped earth berm.
- f.** When a proposed subdivision abuts commercially or industrially zoned property a buffer strip should be created to help preserve residential amenities of adjoining residential properties from the noise, dirt, and lighting created by commercial and industrial activities. The buffer strip should contain either a natural wooded area or a landscaped earth berm.
- g.** Flag lots should not be created except where it can be demonstrated that a flag lot helps take maximum advantage of the geography of the site or is the most effective means to address one or more of the goals of this review process such as, for example, preserving agricultural lands, minimizing shoreline erosion, or reducing driveway impacts.
- h.** Where possible, existing vegetation should be preserved. Retaining existing vegetation, especially trees, helps to preserve the character of the site. Where existing vegetation is preserved the area is more enjoyable to look at and to live in and the value of the property is often greater than an area where the existing vegetation has been destroyed and replaced.
- i.** No landlocked parcels should be created. A landlocked parcel or parcels is a parcel or parcels that do not have frontage on an existing or proposed public road and is dependent upon a right-of-way over adjacent parcels for access. The creation of such lots is contrary to good subdivision layout principles and creates problems as far as access by emergency and service equipment is concerned. This lack of access could result in health, safety and welfare problems for the future residents of landlocked lots, not to mention potential disputes over the use and maintenance of any right-of-way over an adjacent parcel that may be created for the purpose of access.
- j.** Whenever the shape and area of the parcel is such that a degree of flexibility in layout of subdivision is possible, the tract should be laid out as a cluster subdivision. A cluster design will help to preserve open space, preserve existing vegetation and avoid construction on steep

hillsides. Where a site contains steep slopes and clustering is not feasible, lot size area variances should be considered so that the larger lots are located where there are steep slopes and the smaller lots are located where there are flatter slopes.

**k.** Minor subdivisions should be limited to those tracts that have no potential for future subdivision. Piecemeal subdivision of a tract through the minor subdivision process without a tentative overall plan for the subdivision of the tract can often lead to unplanned and uncoordinated growth which can only be detrimental to the community.

**l.** Disturbance of and construction on steep slopes can require considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Ideally all land clearing and construction should be confined to sites where slopes are no greater than 15%. Clearing envelopes should be drawn for lots within a subdivision containing slopes greater than 15%. These envelopes should be located on the lots to minimize the disturbance of those slopes to the greatest extent possible. Construction of homes, roadways and private driveways on slopes greater than 15% may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate any negative environmental impacts.

**m.** Where appropriate the Board may apply guidelines developed primarily for use in the review of certain land use matters (Part One of this document) to matters being reviewed under this part of the guidelines.

APPENDIX A - Form of Referral Letter for Proposed Subdivision

Cayuga County Planning Board  
160 Genesee St.  
Auburn, NY 13021

Ladies and Gentlemen:

Pursuant to the requirements of Section 239 NYS GML the \_\_\_\_\_ Planning Board hereby refers the following proposed subdivision to the Cayuga County Planning Board:

MAP OF - \_\_\_\_\_  
Zoning \_\_\_\_\_  
Tax Map No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Major Subdivision \_\_\_ Minor Subdivision \_\_\_ Condominium \_\_\_ Cluster \_\_\_  
Name and Address of Applicant or Agent \_\_\_\_\_

MATERIAL SUBMITTED:

Preliminary Plat (3 copies) \_\_\_ Road Profiles (1) \_\_\_ Drainage Plans (1) \_\_\_  
Topographical Map (1) \_\_\_ Grading Plan (1) \_\_\_ Site Plan (1) \_\_\_  
Other materials (specify and give number of copies) \_\_\_\_\_  
\_\_\_\_\_

REFERRAL CRITERIA: \_\_\_\_\_  
\_\_\_\_\_

SEQRA STATUS:

The project is an (Unlisted) (Type I) (Type II) Action.  
A (Negative Declaration) (Positive Declaration) (Determination of Non-Significance) has been adopted by the Planning Board.  
E.I.S. statement enclosed. (Yes) (No)

The proposed subdivision has received approval from the Cayuga Dept. of Health. (Yes) (No)

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Very truly yours,

## Appendix B – Public Health Law, Section 1115

1. As used in sections one thousand one hundred fifteen to one thousand one hundred eighteen of this chapter, inclusive, the word "subdivision" shall mean any tract of land which is divided into five or more parcels, after the effective date of this act, along an existing or proposed street(s), highway(s), easement(s) or right(s)-of-way for sale or for rent as residential lots or residential building plots, and in the county of Suffolk also as business, commercial or industrial lots or building plots, regardless of whether the lots or plots to be sold or offered for sale, or leased for any period of time, are described by metes and bounds or by reference to a map or survey of the property or by any other method of description and regardless of whether the lots or plots are contiguous. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot or residential building plot therefrom within any consecutive three year period, and at this time the provisions of section eleven hundred sixteen of the public health law shall apply to all such parcels thereof, including the first four parcels, regardless of whether said parcels have been sold, rented or offered for sale or lease singly or collectively.

2. The word "tract" shall mean any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

3. "Residential lot" or "residential building plot" shall mean any parcel of land of five acres or less, any point on the boundary line of which is less than one-half mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term "residential" shall include temporary, seasonal and permanent residential use.