

MINUTES
CAYUGA COUNTY PLANNING BOARD
October 5, 2005

The meeting was called to order at 7:00 pm in the Chambers of the County Legislature on the sixth floor of the County Office Building.

The April and June minutes were approved as submitted.

Kelo vs. City of New London: Eminent Domain

Presented by: David Miller, Director of Cayuga County Planning

The case arose from a city's use of eminent domain to condemn privately owned real property so that it could be used as part of a comprehensive redevelopment plan. The Court held that "the city's proposed disposition of this property qualifies as a 'public use' within the meaning of the Takings Clause of the Fifth Amendment."

The court found that if an economic project creates new jobs, increases tax and other city revenues, and revitalizes a depressed (even if not blighted) urban area, it qualifies as a public use. The court also found that government delegation of eminent domain power to a private entity was also constitutional as long as the private entity served as the legally authorized agent of the government.

In New York State, eminent domain can be used to remove areas of "blight" – which means deteriorating, vacant, or obsolete buildings or even oddly shaped parcels of land.

Concern over the Kelo case has also inspired a flurry of legislation at the national and local level. In Congress, a bill, dubbed the "Private Property Rights Protection Act of 2005, has already passed the House and is awaiting a vote in the Senate. It would withhold federal aid from states that Congress believes abuse eminent domain.

In New York, there are several bills being considered in Albany, including a package of legislation drafted by Assemblymember Richard Brodsky which would slow down local eminent domain proceedings, create an ombudsman to oversee the use of the law, and require 150 percent of market value be paid for private property that the government takes over.

Stormwater Phase II Refresher

Presented by: Michele Wunderlich, Cayuga County Planning and Economic Development, and
PJ Emerick, Cayuga County Soil and Water Conservation District

Stormwater is rain water or melting snow that does not soak into the ground but runs off into waterways. It can carry litter, soil, bacteria and other pollutants into bays, rivers and lakes. It can also result in flooding and erosion, pollute streams, lakes and rivers and can infiltrate into groundwater.

By having local stormwater controls you can protect drinking water supplies and recreational waterways, reduce impact to aquatic resources, prevent losses, enhance property values and improve quality of life.

In order to comply you are required to obtain coverage under the SPDES General Permit (GP-02-01) for: Activities with greater or equal to one acre of disturbance; Activities less than one acre if part of a

common plan of development or sale that would disturb more than one acre; Certain activities of less than one acre if designated by DEC based on water quality impacts.

The permit requires a Stormwater Pollution Prevention Plan (SWPPP), either basic (Erosion and Sediment Control Plan (E&SC) or full plan completed & implemented. A Notice of Intent (NOI) form must be submitted to the NYSDEC in Albany, once received, DEC has 5 or 60 day review period prior to permit coverage.

Developing a SWPPP that complies with the requirements for the SPDES permit does not relieve an operator from the obligation of complying with stormwater management requirements of the local government having jurisdiction over the project.

Local Status Reports:

T/Victory – Ms. Davis stated that the Town’s subdivision regulations need some revamping and they are hoping to work on that in the next year.

T/Fleming – Mr. Farrell noted that the Town got an award for their zoning law’s focus on agricultural resource protection. In addition they are working on the Montgomery Mead Subdivision on West Lake Rd. It has been a real learning process because of the proximity to a protected stream and the parcel being included in the Agricultural District.

V/Cato – Ms. Sweetman stated that CIVIC Heritage is waiting on their DEC permit so they can go ahead with their project.

T/Mentz – Mr Mooses reported that the Town is currently working on a Comprehensive Plan.

T/Brutus – Mr. Towne announced that their planning board will be having some meetings next week about a RV Park and they have a minor subdivision pending.

C/Auburn – Ms. Michelman discussed how busy the City has been over the past year. There have been a lot of projects on Grant Ave, the former P&C has been demolished and the new Walgreens building will be going up shortly. Small business owners are starting to invest in the community.

T/Sennett – Mr. Morris informed the group that Soil and Water received a grant to build a methane digester on County House Road behind the natural resources building. This digester will be modeled after European designs. Half of the funding for the projects will be through grants. They hope to break ground in Spring.

V/Meridian – Ms. DiShaw stated that the Village was in the process of beginning a Comprehensive Plan. They have gathered model surveys and hope to get surveys out the residents soon. They plan on following up the survey with a public meeting. Also mentioned was that the DOT road improvement project for ST. Rt. 370 has begun.

V/Weedport – Mr. Dziergas mentioned that the Village and Town are beginning a Joint Comprehensive Plan.

T/Owasco – Ms. Sorenson stated that the Town is seeing a lot of growth in residential development and that they are working on updates to the Comprehensive Plan.

T/Moravia – Ms. Weaver reported that they are working on a new water district.

T/Ira – Ms. Southard mentioned that the Town is working on a Comprehensive Plan and that they received about a 40% response rate on their survey.

Other Matters:

Ms. D’Angelo informed the group that the Cayuga County Legislature, at its August Meeting, voted unanimously to change the members of the 239 subcommittee of the County Planning Board to department heads, instead of members of the Cayuga County Planning Board. This statement was heavily discussed. Some of the comments made are listed below.

Statements made against the change:

- Gives too much power to the staff.
- Takes away public input
- Takes away some of the public power
- Decisions should come from the bottom up, so why take out the bottom
- Should have at least 3 or 4 County Planning Board members on the board.

Statements made for the change:

These are technical reviews and they should be conducted by technical people

Motion:

Recommended Action – Request that the legislature add five (5) members of the Cayuga County Planning Board to the five (5) appointed members to the 239 Committee on Land Use issues, making a total of ten (10) members serving on the committee.

- Motion –** Ms. Michelman
- Second –** Mr. Moose
- Vote:**
 - In favor:* Thirteen (13)
 - Opposed:* Two (2)
 - Abstentions:* None (0)

Ms. D’Angelo was instructed to forward a letter to the Legislature with the above request before their next meeting.

The next meeting will be on April 5, 2006 at 7:00 pm in the Chambers of the County Legislature on the sixth floor of the County Office Building.

Meeting was adjourned at 9:05pm.