

**MINUTES
CAYUGA COUNTY PLANNING BOARD
October 4, 2006**

The meeting was called to order at 7:10 pm in Caucus Room #1 on the sixth floor of the County Office Building.

The June minutes were approved with the change to the attendance that Dorothy Southard was present.

Improper Subdivisions (Discussion)

Led by: Amy D'Angelo, Cayuga County Planning

Improper subdivisions are those that are filed by the property owner with the County Clerk, without having gone through the appropriate local reviews. This problem is a result of many different things. First, the County Clerk's office is required by law to file anything that is brought to them and is complete. They have no control over accuracy. So if a deed or map is filed and on the forms they label it as a survey map instead of a subdivision map, the Clerk's office has to file it.

Secondly, since the Towns and Villages within the County all have different levels of subdivision regulation, what is considered a subdivision in one municipality may not constitute a subdivision in another.

Regretfully there is no simple solution to this problem. The County can't establish a county-wide policy without developing a County-wide zoning law. It is highly unlikely that the public would support such a measure as it would give the County control over more than just subdivisions. The enforcement of the Real Property Law is in the hands of the Towns and Villages. Most Towns and Villages don't know that they have this enforcement power, or they don't know how to use it.

Real Property Law Section 334 provides the Towns and Villages with the enforcement through the collection of fines of \$25 to \$300 per lot.

The best way to solve the situation is to amend local laws to provide a clear enforcement of the law, and to have a penalty to increase in fees for those who submit a subdivision for local review after it has been filed with the County Clerk.

How can a municipality know if a subdivision has been filed improperly? This is usually discovered when the new owner of the lot applies for a building permit. The building code office can not issue a building permit for a parcel that does legally exist. However, if a municipality discovers that a subdivision is in process and has not come for local review they can apply to a judge for a Temporary Injunction/Stop Work Order.

Ira and Aurora have provisions in their subdivision regulations that address these concerns that can be used as a model.

Local Status Reports:

V/Cato – Ms. Sweetman stated that CIVIC Heritage has final drawings and hope to get bids by the end of the week. State Route 370 is almost done, NYSDOT hope to finish the project in the Spring of 2007.

T/Victory – Ms. Davis shared that the Town may get an application for a convenience store at the corner Rt. 370 and Rt. 38. It will have gasoline, diesel fuel, 5000 sq ft building and seating for 16 people. The Town has also started working with Kristy LaManche from CNY Regional Planning on a Comprehensive Plan.

V/Cayuga – Ms. Komanecky reported that they are finishing up the Joint Comprehensive Plan and now they are looking to see if any zoning changes are necessary. The Village is also preparing to celebrate the Village’s 150th anniversary that will include a 3 day celebration next year.

T/Montezuma – Mr. Verdi stated that the Town is in the process of working on a Comprehensive Plan and have started to revitalize the Planning Board.

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

V/Aurora – Mr. Taylor reported that they are getting ready to redo the Village streets and that the Post Office still has not made a decision on whether it will move to a new location. The Planning Board has finished the Comprehensive Plan and it is under review by the Board of Trustees.

T/Niles – Mr. Edmunds stated that the town has decided to move forward in developing a Comprehensive Plan and are trying to decide if they want to do it on their own or if they want to contract with a group or organization to assist them.

T/Ira – Ms. Southard mentioned that the Town is working on a Joint Comprehensive Plan with the Town of Cato and the Towns are pushing the Village of Cato and Village of Meridian to join them to make this a regional plan. The Towns have hired Barton & Loguidice to develop the plan.

Two discussions developed during local reports. The first was initiated by Ms. Southard talking of a group of ATV advocates that have been attending the Ira/Cato Comprehensive Plan Meetings. These individuals have attempted to dominate the meetings even though the topic of discussion for the meeting does not deal with their concerns. Ms. D’Angelo stated that this group has been attending local meetings in other parts of the County with the same agenda.

The second discussion revolved around Code Enforcement Officers. The question was raised, “What do you do if you don’t think the Code Officer is doing his or her job well? This developed into a round table discussion talking about options ranging from developing a review process to finding a new Code Enforcer.

Other Matters:

Both Mr. Steve Zabriskie the Chair and Ms. Dorothy Southard the Vice Chair have announced their resignation from the Cayuga County Planning Board this year. As a result a new Chair and Vice Chair need to be recommended to the Chairman of the Cayuga County Legislature. A discussion took place as to the role and duties of these positions. A request for nominations and/or volunteers was made to the group.

Ms. Debra Davis of Victory volunteered to be Chair. A motion was made by Mr. Hatfield to recommend Ms. Debra Davis as Chair of the Cayuga County Planning Board. The motion was seconded by Ms. Komanecky. Vote was unanimous.

Mr. Clarence Edmunds of Niles volunteered to be Vice Chair. A motion was made by Ms. Sweetman to recommend Mr. Clarence Edmunds as Vice Chair of the Cayuga County Planning Board. The motion was seconded by Ms. Davis. Vote was unanimous.

Ms. D'Angelo will prepare the appropriate documents stating the recommendations for Mr. Fearon's review. Once Mr. Fearon has made his appointments, the new Chair and Vice chair will receive a notice in the mail.

A request was made that the future County Planning Board meeting be moved from the Legislative Chambers to Caucus Room #1 when available, since it is a more comfortable room. All in attendance agreed.

The next meeting will be on April 4, 2007 at 7:00 pm in Caucus Room #1 on the sixth floor of the County Office Building.

Meeting was adjourned at 8:35 pm.