

The logo features the stylized lowercase letters 'ccpb' in a cursive font, overlaid on a grey rectangular background. To the right of this graphic, the words 'CAYUGA COUNTY' and 'PLANNING BOARD' are written in a large, black, serif font, stacked vertically.

# CAYUGA COUNTY PLANNING BOARD

## MINUTES March 19, 2014

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### MEMBERS PRESENT

Chairman Keith Welch (Scipio); Vice-Chairman Patricia Bianconi (Aurora); Secretary Darrin Rooker (Port Byron); John Berry (Genoa); Ron Buxenbaum (Ledyard); William Carman (Niles); Randall E. Frech (Village of Cato); Barbara Harvey (Summerhill); George Hiza (Fleming); John R. Malenick (Montezuma); Harvey Mills (Victory); June Ouellette (Sterling); Gerald Scouten (Aurelius); Darrell Uetz (Fair Haven); Henry T. Wilde (Springport); Christopher Yorkey (Union Springs).

### OTHERS PRESENT

Gabriel Holbrow (County Planning staff); John Abraham (Weedsport); Derek Ostrowski (Brutus); Dennis Ouellette (Sterling); David Sikora (Sennett); Paul Simkin (Ledyard).

### CALL TO ORDER

Chairman Welch (Scipio) called the meeting to order at 6:00 pm in the Conference Room at the Cayuga-Onondaga BOCES, 1879 West Genesee Street Road in Aurelius.

### INTRODUCTIONS BY MEMBERS

Each person present introduced himself or herself.

### INTERNAL BUSINESS

1. Approval of Minutes from Meeting on November 13, 2013: Motion by Mr. Malenick (Montezuma) to approve the minutes as submitted. Seconded by Ms. Ouellette (Sterling). All members vote AYE. Motion carried.
2. Answers to questions posed at the November meeting:

Mr. Morris (Sennett) had asked in November what notification there is for lakeside residents when Owasco Lake levels change. Mr. Holbrow (staff) reported that there is no notification procedures for lake level changes. The best source of real-time information is the United State Geological Survey (USGS) website at [waterdata.usgs.gov](http://waterdata.usgs.gov), where anyone

with an internet connection can find current and historic observation data for numerous sites, including USGS Site Number 04235396 “Owasco Lake” at [http://waterdata.usgs.gov/ny/nwis/uv?site\\_no=04235396](http://waterdata.usgs.gov/ny/nwis/uv?site_no=04235396).

Secretary Rooker (Port Byron) had asked in November whether property owners who were added or removed from a state Agricultural District receive confirmation that they are now in or out. Mr. Holbrow (staff) reported that there is no notification for properties that are in or added to the district. Whether a property is within an Agricultural District is currently not on the tax bills that Cayuga County sends out. The Agricultural District status of parcels was updated late last fall on Image Mate Online, the county’s public online property tax database, available at <http://imate.cayugacounty.us/IMO/>. Image Mate Online is now an accurate and accessible source of information about whether particular properties are within the Agricultural District.

Chairman Welch (Scipio) had asked in November what it means for local property taxes if a public school property is sold or leased to a private school or other entity. Mr. Holbrow (staff) reported that if the school property is sold to a non-profit organization, there are two property tax exemptions under state law that could apply: Real Property Tax Law (RPTL) §420-a provides exemptions for religious, educational, charitable, hospital, or moral or mental improvement uses; RPTL §420-b provides exemptions for a variety of other non-profit uses, unless disallowed by local law. If the school property is retained by the school district and leased to another entity, then by RPTL §408 the land is completely tax-exempt, and improvements on the property are also tax-exempt so long as the improvements are used for educational purposes.

3. Review of Minutes of the Cayuga County GML 239-l, m & n Review Committee: Mr. Holbrow (staff) provided the Board with approved minutes of the Committee meeting on December 19, 2013, draft minutes of meetings on January 16, and February 20, 2014, and the agenda for the meeting to be held on March 20, 2014. Mr. Sikora (Sennett) provided updates on some of the referrals from the Town of Sennett, and Mr. Scouten (Aurelius) provided an update on a referral from the Town of Aurelius that was found not to be necessary and consequently not reviewed by the Committee.

## ISSUES OF COUNTYWIDE IMPORTANCE

1. Agricultural District Annual Property Inclusion: March is the month each year when property owners in Cayuga County can request that their property be added to the Cayuga County Agricultural District. Anyone interested in adding their land to the district is encouraged to contact the county planning department.
2. Farmland Protection Program: The state is expected to announce a new round of funding soon for the Purchase of Development Rights (PDR) program. The program places conservation easements on prime farmland to prevent it from being developed and provides land owners compensation from state funds for the resulting decrease in property value. The County is looking for potential local partners, including interested land owners, qualified project managers, and potential easement holders.

Board members discussed how the PDR program works, and discussed the possibility of achieving other goals with the program such as conserving land and encouraging practices that can decrease runoff into the lakes and improve water quality. Mr. Wilde

(Springport) spoke on his experience participating in the PDR program, cautioning interested land owners to approach with extreme caution and consult with their lawyer. There are substantial costs that must be paid by the land owner up-front and state reimbursement and payment often takes five or more years from the date that the award is first announced. Mr. Wilde explained that the project on his land was significantly delayed and ultimately not completed.

3. County-Wide Agriculture and Farmland Protection Plan: The first draft of the county's updated agriculture and farmland protection plan is scheduled to be released by May. The plan's steering committee is giving a presentation and hosting a public hearing on the draft plan on May 29, 2014 at the Cayuga-Onondaga BOCES.
4. Trainings and Events: Board members were provided with flyers for land use training sessions on March 24 in Cortland, April 2 and other dates in Lyons, and April 22 in Auburn. Board members also received a flyer for a webinar series hosted by the New York State Department of Environmental Conservation on the new Environmental Assessment Forms (EAF). Board members were told of an electronics recycling event on May 31 at BOCES and a tire recycling event on a yet-to-be-determined date in June at the Cayuga County Natural Resources Center.

## **LOCAL STATUS REPORTS**

Town of Fleming: Mr. Hiza reported on the approval process for the first digester to be permitted in the Town. The land owner had received a \$2 million grant from the New York State Energy Research and Development Authority (NYSERDA) to construct and operate a biogas digester on his farm. The dairy farm currently has approximately 3,300 head of cattle and produces more than 40,000 gallons of waste and wash water. Using on-site fuel, largely manure, the digester would have a capacity of 3.4 million kWh per year. The farm currently uses 1.55 million kWh per year, so the remainder would be sold back to the grid.

NYSERDA is interested in more capacity from the digester, but the Town wants to limit the project to on-site fuel due to concerns about increased traffic to and from the site. The landowner is agreeable to limiting the project to on-site fuel. The permit given by the Town limits the digester to using on-site fuel, but leaves open the possibility for the digester operator to come back at a later date to request modification of the permit to allow off-site fuel, include fats, oils, and grease, known as "FOG" fuels.

The Town also considered what future projects the on-site energy could be used for, other than the existing operations of the dairy farm. The Town will require that the farm seek approval through the special use permit process for any plans to increase on-site usage of electricity or on-site use of digester products.

The permitting process incorporated detailed plans for testing and maintenance, community health, snow removal, and fire response, including additional training for local fire fighters to manage digester-specific issues.

Town of Montezuma: Mr. Malenick reported that the Town has been discovering many illegal subdivisions in the town that have occurred in the past. This has been an ongoing situation, whereby a resident hires a surveyor, subdivides their property and then files the

map with the Cayuga County Clerk, without getting proper local approval from the town planning board. This recently happened in the Montezuma when a land owner applied for a subdivision of a parcel that had been already been surveyed and subdivided in 2004 without the Town's knowledge. This subdivision in particular was unique in that the parcel to be subdivided was not even contiguous. It was separated by a neighboring property with a single family residence. The town planning board concluded that the parcel must have been split even before 2004 creating the lot in between. Although subdivisions had been filed with the county clerk in 2004 and before, the subdivisions had never gone through subdivision approval with the Town. Now the owner wanted to transfer the parcel and was told to go back to the Town for subdivision approval.

The Town has known that numerous subdivisions like this have taken place in the past and filed with the County without Town approval. Mr. Malenick reported that the county clerk has revised their procedures in the recent past and has gotten better about making sure that potential subdivisions get local approval before filing with the county. However, the clerk's office told Mr. Malenick that legally there is nothing that the county can do to ensure that subdivisions get local approval or to stop such illegal subdivisions. The Town received a new form from the County Real Property office a called a Split/Merger form which requires the Town Assessor to verify that the split was approved. This will help in the future to alleviate subdivisions being split for tax purposes without the necessary approvals.

Mr. Scouten (Aurelius) confirmed that several such illegal subdivisions had also happened in the Town of Aurelius, including one case where a land owner had applied for a split and been denied by the town planning board but went ahead and successfully filed the subdivision with the county anyway. Mr. Moose (Mentz) confirmed that this had also happened in the Town of Mentz, and that they often do not come to light until someone wants to build and applies for a building permit.

Board members discussed what Towns and Villages can do about to prevent this circumventing of local approval. Board members expressed frustration that the county clerk cannot refuse to file subdivisions without local approval, while other board members noted that the County does not have the authority to enforce Town regulations. Mr. Moose pointed out that Towns and Villages can refuse building permits that would be not be permitted on an undivided parcel. Mr. Moose also recommended that local fines are possibility, mentioned that the Town of Ira has local regulation that establishes a \$300 fine for attempting to subdivided without Town approval.

Mr. Malenick asked Mr. Holbrow (staff) to share this topic and the Board's discussion by email with other Board members not present at the meeting, to make sure that other Towns and Villages are aware of the issue and to see if they have any ideas for dealing with it.

## **ADJOURNMENT**

Motion by Chairman Welch (Scipio) to adjourn the meeting. Seconded by Mr. Frech (Village of Cato). Adjourned at 6:55 pm.

Minutes submitted by Gabriel Holbrow (staff).

Minutes approved by the Board on July 16, 2014.