
Planning & Code Enforcement

John Zepko, Acting Director, CPESC, CFM

Reporting Period Jan 2024

CORE PLANNING FUNCTIONS

- **General Admin**
 - 1/8 - onboarding of staff Planner Mason Molesso
- **Planner conducting classification and review of development applications**
 - 1/10 – met w/ developer to discuss requirement critical permitting tasks for potential development on Wilderness Road
 - 1/31– met w/ developer to discuss site plan review for potential project on Peruville Rd
- **Hazard Mitigation Planning**
- **Floodplain Management**
 - Draft Flood maps
 - Reviewing Flood Dev Permit for 32 Ladoga Park Rd
- **Stormwater Management**
 - 1/10 – attended TC Stormwater Coalition Meeting
 - A New MS4 General Permit from DEC is in effect that will have broad reaching impacts across multiple Town departments, operations and budgets. The new permit is more prescriptive than previous iterations and contains many short and long term deadlines for planning, implementing, and reporting on the Town’s stormwater management program. **Please see attached fact sheet for more information.** Planning staff has been meeting to form a 12 month work plan to meet minimum annual requirements and to identify other stakeholders within the Town.
 - 1/17 – staff meeting w/ TG Miller to discuss strategy for MS4 compliance.
 - 1/22 – attended meeting w/ NY DEC discussing new MS4 program requirements & deadlines for compliance

LAND USE WORK PROGRAM/PROJECT MANAGEMENT

- **CRC/ Zoning Amendments**
 - 1/25 CRC meeting - Recommended multiple sections of code for revision. See attached statement of work from Code Revision Committee
- **Yellow Barn Solar**
 - 1/18 met w/ HSE (attorneys) & Town staff to discuss status of YBS submission. The following sections have been reviewed:
 - Exhibit 16 - Effect on Transportation
 - Exhibit 8 - Visual Impacts

- Exhibit 13, Appendix 13-C - Stormwater Pollution Prevention Plan

The following exhibits are outstanding and need review

- Exhibit 6 - Public Health and Safety
- Exhibit 3 - Location of Facilities and Surrounding Land Use Areas
- Exhibit 5 - Design Drawings
- Exhibit 15 - Agricultural Resources

- **Safe Streets and Roads 4 All (SS4A)**

- SS4A grant project consists of 11 municipalities in an effort to collect data and implement the highway projects that would make the most impact on improving safety for all who use Tompkins County's roads.
- 1/16 – attended SS4A check in meeting w/ planning team and consultants. Cambridge Systematics was selected as the project consultant. Project work plan and timeline were discussed.
- 1/19 – Meet w/ Town of Ithaca Director of Planning to discuss SS4A project
- 1/30 - SS4A project update. Cambridge Systematics, project consultant is reviewing local plans from 11 participating communities to understand the types of safety policies, programs, and projects already in place that could inform and enhance the development of the Joint Safety Action Plan. When all plans have been reviewed Project consultant will be conducting individual (one on one) meetings with representatives from each municipality to discuss findings.

COMMITTEE MANAGEMENT

- **Agricultural and Farmland Protection Committee staff support**
- **Conservation Advisory Committee Council**
 - 1/11 meeting w/ CAC chair to discuss 2024 CAC work plan
- **Water & Sewer Working Group**
 - No meeting
- **Capital Improvement Committee**
 - No meeting

PLANNING BOARD

- 22 Jan meeting – the Planning Board heard the following:
 - Approved Minor Subdivision 347 - Bill George Road
 - Set public hearing for Minor Subdivision – Conlon Road

ZONING BOARD OF APPEALS

- 10 Jan 2024
 - Area Variance – 2 Ladoga Park Rd. A public hearing was conducted. The ZBA requested revisions to the submissions for the 14 Feb meeting.

Municipal Separate Stormwater Sewer System (MS4)

General Permit Facts Sheet

Municipal Separate Stormwater Sewer Systems (MS4s) are located within the boundaries of an urbanized area defined by the US Census Bureau and are regulated under the US Environmental Protection Agency’s Phase II Stormwater Rule

<u>Phase II Rule Basic Overview</u>	<u>MS4 General Permit</u>
<p>The Phase II Stormwater Rule is intended to further reduce adverse impacts on water quality and aquatic habitat by instituting the use of controls on previously unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation by regulating small MS4s and certain construction activities.</p>	<p>The MS4 General Permit encompasses several quality control components, including the Multi-Sector General Permit (when applicable), the Stormwater Management Program (SWMP), comprehensive systems mapping, six minimum control measures, and total maximum daily load (TDML) considerations.</p>

MS4 General Permit Minimum Control Measures (MCMs) and SWMP Requirements

1	<p><u>Public Education and Outreach Program.</u> MS4 Operators must identify focus areas of concern for the community within their SWMPs. The Operator must deliver educational materials and outreach support to intended audiences.</p>
2	<p><u>Public Involvement/Participation.</u> MS4 operators are required to involve the public in their stormwater program. The SWMP must be reviewed and updated annually, and the public must be given the opportunity to participate in the development and implementation of the SWMP and be able to review and comment on the SWMP Plan and draft annual reports.</p>
3	<p><u>Illicit Discharge Detection and Elimination.</u> Municipalities are required to proactively identify and eliminate sources of non-stormwater from their storm sewer system. A program that monitors, inventories, prioritizes, and seeks to eliminate illicit discharges must be included in the SWMP. The public must also be informed of contact information for reporting illicit discharges.</p>
4	<p><u>Construction Site Stormwater Runoff Control.</u> Municipalities are required to manage construction runoff from qualifying sites. With this, MS4 municipalities must develop and implement a Construction Oversight Program that includes a Construction Site Inventory and Inspection Tracking Program. This measure also includes training requirements, pre-construction meetings, and site close-out instructions.</p>
5	<p><u>Post-Construction Stormwater Management.</u> This MCM requires post-construction stormwater management practices (SMPs), as well as inventory and inspection tracking. This measure covers publicly and privately owned/operated post-construction SMPs. Continual inspection and maintenance programs are also required. The goal of this measure is to manage stormwater where it falls and retain it on site.</p>
6	<p><u>Pollution Prevention and Good Housekeeping.</u> MCM 6 requires the development and implementation of a pollution prevention and good housekeeping program for municipal facilities and municipal operations. An inventory of facilities must be completed along with priority ranking and the use of “Best Management Practices” (BMPs) are required under this control measure.</p>

*see NYS DEC fact sheet for additional program requirements

Important Dates Coming Soon (2024-2025)

January 3, 2024 - Effective date of the permit (EDP)
 January 3 to January 2 - Annual reporting year
 February 20, 2024 - Electronic notice of intent (eNOI) due
 March 4, 2024 - Interim coverage under GP-0-15-003 expires.
 July 3, 2024 - six (6) months from the EDP
 October 1, 2024 - Interim progress certification due
 April 1, 2025 - First Annual Report due
 July 3rd, 2024 - First annual SWMP update due.

Compliance Timeframes for MCMs (Continuing Coverage)

MCM#	Requirement	Deadline
1	The MS4 Operator must identify and document focus areas and target audiences in the SWMP Plan.	By January 2027
	The MS4 Operator must identify and document in the SWMP Plan the education and outreach topics , and how these topics will reduce the potential for pollutants to be generated by the target audience.	By January 2027
	Deliver an educational message to each target audience for each focus area and document the completion within the SWMP Plan	By January 2029. At least once every 5 years
2	Provide an opportunity for public involvement/participation in the development and implementation of the SWMP; opportunity for the public to review and comment on the SWMP and draft annual report.	Annually by April 1st
	Summarize public comments received on the SWMP and the draft annual report; within 30 days of receipt of public input, update the plan and report where applicable.	Annually by July 3rd
3	Establish and document contact information for the public to report Illicit discharge in the SWMP.	By July 2024
	Develop and maintain an inventory of monitoring locations in the SWMP; establish prioritization for monitoring locations (update priority annually)	By January 2027
	Develop and implement a program for Monitoring, Inspecting, and Sampling	By January 2026
	Develop and implement an Illicit Discharge Track Down Program	By January 2026
	Develop and implement an Illicit Discharge Elimination Program	By January 2026
4	Develop and implement a Construction Oversight Program documented in the SWMP.	By January 2025
	Develop and implement a Construction Site Inventory & Inspection Tracking Program documented in the SWMP Plan	By July 2024
	Prioritization of all construction sites; annually update within the inventory.	By January 2025
	Training for individual(s) responsible for reviewing SWPPPs for acceptance and training for individuals(s) responsible for construction site inspections , 4 hours of erosion and sediment control training.	By January 2027; every 3 years thereafter

*see NYS DEC fact sheet for additional program requirements

Compliance Timeframes for MCMs, continued

MCM#	Requirement	Deadline
5	Post-construction SMP inventory (public and private) and inspection tracking	By January 2029
	Develop and implement a Post-Construction SMP Inspection and Maintenance Program	By January 2025
6	Develop and implement a pollution prevention and good housekeeping program for municipal facilities and municipal operations. Incorporate best management practices.	By January 2027
	Develop and implement a Municipal Facility Program and Procedures	By January 2027
	Develop and maintain a Municipal Facilities Inventory	By January 2026
	Create a Municipal Facility Prioritization list.	By January 2027
	Develop and implement a municipal operations program (BMPs, corrective actions, inspections, and maintenance)	By January 2027
	Develop and implement procedures for sweeping and/or cleaning municipal streets, bridges, parking lots, and right of ways owned and operated by the MS4; Sweeping - every 5 years in the spring; Annually, from April 1 through October 31 in business districts and commercial areas.	By July of 2024

*see NYS DEC fact sheet for additional program requirements

Comprehensive Systems Mapping Requirements

The MS4 Operator must develop and maintain a comprehensive mapping system. **Within 6 months of the EDC (July of 2024)** it must include: MS4 outfalls, interconnections, preliminary storm-sewer shed boundaries, MS4 infrastructure for select TDMLs, and a basemap.

<u>Mapping Phase I</u>	<u>Mapping Phase II</u>
<ul style="list-style-type: none"> • Location of all monitoring locations with prioritization • Focus areas. • Publicly owned post-construction stormwater management practices (SMPs) • Municipal Facilities 	<ul style="list-style-type: none"> • MS4 Infrastructure: <ul style="list-style-type: none"> ◦ Conveyance: type and direction of flow ◦ stormwater structures: type and number of connections • Privately owned/operated post-construction SMPs which discharge to the MS4.
<u>Must be complete by January 2027</u>	<u>Must be complete by January 2029</u>

*see NYS DEC fact sheet for additional program requirements

MS4 General Permit - Part IX (9) Compliance Timeframes

Reference		Requirement	Frequency
IX.A.2.b.	NYC East of Hudson Phosphorous Impaired Watersheds	Provide educational messages with information specific to phosphorus.	Twice a year, by January 3rd
IX.A.4.b.i.		Ensure residential on-site wastewater systems are properly operated.	By January 2029, once every five (5) years
IX.A.6.f.ii.		Submit to the Department any changes made to the retrofit plan including the information in Part IX.A.6.f.i.	Annually by January 3rd
IX.A.7.a.		Inspect catch basins located in the Total Maximum Daily Load (TDML) watershed(s)	Twice a year, by January 3rd
IX.A.7.b.		Sweep all streets located in the TMDL watershed(s)	Annually by January 3rd
IX.B.2.b.	Other Phosphorous Impaired Watersheds	Provide educational messages with information specific to phosphorus.	Twice a year, by January 3rd
IX.B.2.c		Educate residential on-site wastewater system users on the on-site wastewater inspection program described in Part IX.B.4.b and proper maintenance practices.	Twice a permit term (5 years), separated by a minimum of one (1) year.
IX.B.4.b.i.		Ensure residential on-site wastewater systems are properly operated.	By January 2029, once every five (5) years
IX.B.6.f.ii.		Submit to the Department any changes made to the retrofit plan including the information in Part IX.B.6.f.i.	Annually by January 3rd
IX.B.7.a.		Sweep all streets located in the TMDL watershed(s)	Annually by January 3rd
IX.D.2.b.	Nitrogen Impaired Watersheds	Provide educational messages with information specific to nitrogen.	Twice a year by January 3rd
IX.D.7.a.		Sweep all streets located in the TMDL watershed(s)	Annually by January 3rd

*see NYS DEC fact sheet for additional program requirements

PRELIMINARY REPORT to Lansing Town Board

From: Town of Lansing Code Revision Committee

Date: 23 Jan 2024

Business: Miscellaneous Updates to the Town Code

Town Board Meeting Date: 21 Feb 2024

Summary

Recommended Code text and Zoning map amendments to the following:

- §270-28 – [Zoning Permits] Specific Standards– Keeping of Chickens
- §235-3 - [Subdivision of Land] Definition of “Lot Line Adjustment”
- §235-3 - [Subdivision of Land] Definition of “Flag Lot”
- §270 Attachment 2 – interpretation of lot lines for corner lot
- §270 Article III District Regulations - Maximum number of single and/or two family dwelling units per parcel

Policy Issues

The issues that will be addressed by the draft changes include:

- **§270-28 – [Zoning Permits] Specific Standards– Keeping of Chickens:** The zoning code permits a maximum of five (5) chickens to be kept. However, NYS Department of Agriculture and Markets stipulates that chicks must be sold in groups of six (6). A zoning amendment to increase the maximum allowable number of chickens to six (6) will bring the two policies into alignment.
- **§235-3 - [Subdivision of Land] Definition of “Lot Line Adjustment”:** Lot line lot adjustments of less than one acre can be approved administratively (without Planning Board approval). Lot line adjustments of over one acre must get Planning Board approval. This amendment would seek to reduce the burden on the Planning Board by permitting administrative approval of all lot line adjustments. This would be more efficient for residents, the Planning Board, and will reduce the administrative burden for staff.
- **§235-3 - [Subdivision of Land] Definition of “Flag Lot”:** the current regulation Flag Lots contains several different references for the minimum permissible frontage, causing a potentially confusing interpretation. Amendment of the definition of flag lots would include defining the precise geometry of flag lots (frontage, area, lot line for setbacks, etc), along with examining the potential for limiting the number of permissible flag lots in a subdivision.
- **§270 Attachment 2 – interpretation of lot lines for corner lot:** The Department of Planning and Code Enforcement seeks to clarify the diagram contained within §270 Attachment 2 to facilitate the interpretation of the minimum required set backs for corner lots. The current diagram is unclear in the designations of front, side and rear lot lines for corner lots.
- **§270 Article III District Regulations and Schedules - Maximum Number of dwelling units per parcel:** The Zoning code is silent on the maximum number of single family and two family dwellings that are permitted per parcel. An amendment will seek to clarify if multiple single family and/or two family dwellings are permitted upon a single parcel, and if so what the maximum permitted number of single/two family dwellings per parcel may be, and to establish area, frontage, yard and coverage requirements for single family or two family dwellings under single ownership.

Impact on Town Resources

Allocated 130 staff hours (100 for Director of Planning; 30 for Planner) for all Zoning and Land Use Regulation Updates in the 2024 Work Plan. If design guidelines / standards are requested, professional services will be acquired in accordance with the Town of Lansing Procurement Policy and per budget line B8020.420.

State Environmental Quality Review Act (SEQRA)

This action is anticipated to be a Type I Action under 6 NYCRR 617.4 (b)(2): the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district.

Public Notice

Public notification will be achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the 21 Feb 2024 Town Board meeting.

Public Engagement

The public hearing requirements of NYS Town Law, Open Meetings Law, and the procedures for adopting or amending a local law contained in Municipal Home Rule Law will be adhered to.

Attachments

- Draft Motion Directing the Code Revision Committee to Prepare Preliminary Draft Zoning Amendments

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Report prepared by: John Zepko, Director of Planning & Code Enforcement