

## **Appendix A: Handout Suitable for Developers - 239 Review Guiding Principles**

We have summarized the material from this Guide that we believe developers may find most useful. Please feel free to share as you see fit.

## Key Guidelines Used by County Planning to Review GML §239 Proposals

The intended purpose of GML §239 is to bring pertinent inter-community and county-wide matters into consideration by individual municipalities in their review of planning, zoning and development applications. It is the intention of the GML §239 Review Guide that County Planning be equipped to provide consistent, transparent reviews of each project and law considered by each local municipality. As new information becomes available, this guide and its recommendations will be reviewed and updated.

While conducting reviews, County Planning will consider the following items as defined in GML §239-I:

1. Compatibility of various land uses with one another;
2. Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to adequacy of existing and proposed roadways;
3. Impact on existing and proposed County or State uses;
4. Protection of community character as it relates to predominant land uses, population density and the relation between residential and nonresidential areas;
5. Drainage and watershed;
6. Community facilities;
7. Official municipal and County development policies as may be expressed through comprehensive plans, capital programs or regulatory measures; and
8. Such other matters as may relate to the public convenience, to governmental efficiency and to the achieving and maintaining of a satisfactory community environment.

As needed, County Planning will work with various county, state, and federal agencies to analyze projects for potential inter-community and county-wide impacts. Agencies that County Planning regularly work with include the Tompkins County Environmental Health Division, the Tompkins County Highway Department, the Tompkins County Department of Emergency Response and the New York State Department of Transportation.

County Planning uses the principles and policies of the Comprehensive Plan as the underlying basis for its review of development proposals. The [Tompkins County Comprehensive Plan](#) seeks to encourage management and preservation of our resources to the equitable benefit of current and future generations.

### A) Common Topics: Potential Negative Impacts

Below is a compilation of the main aspects of proposals that have historically been deemed to have potential negative inter-community or county-wide impacts. Such findings have resulted in recommendations to modify or disapprove a project.

1. **Wetlands:** For projects that would disturb land within a state or federal mapped wetland, County Planning would likely recommend that the municipality require applicants to redesign the project so

as not to disturb the wetland or, if that is impossible, to **document** that the functions of the wetland were **considered** and to elaborate on how the proposal will not negatively impact those wetland functions. These modifications are recommended to help preserve and protect water quality and other wetland functions.

In addition to state and federal mapped wetlands, there are other sources of information about the existence and extent of wetlands on particular sites. The Tompkins County Water Resources Council (WRC) has adopted a map of wetlands throughout Tompkins County based on the [Wetland Mapping for Tompkins County, New York](#) 2016 report, which provides more detailed information than the NYS Department of Environmental Conservation (DEC) and federal National Wetland Inventory (NWI) maps. In addition, some project developers hire professionals to delineate the extent of wetlands on their site. DEC and NWI wetlands, as well as WRC wetlands, can be viewed and mapped using the online mapping tool, the [Tompkins County Natural Resource Inventory](#).

2. **Stream Buffers:** For projects that would disturb land within 100 feet (from edge of bank) of a perennial stream, or 50 feet (from stream centerline) of an intermittent stream<sup>1</sup>, County Planning would review the project's potential impacts on water quality.

For communities that have not established stream buffer regulations that protect water quality, County Planning would likely recommend that the municipality require applicants to redesign the project so as not to disturb the 100- or 50-foot buffer and to vegetate that buffer if it is not currently vegetated (reference: [Enhancing Water Resources in Tompkins County: Benefits of Riparian Areas and Stream Buffers](#)).

In stream buffer locations where communities rely on municipal storm sewer systems, County Planning would likely recommend that the municipality require applicants to **document** how the project would impact water quality and quantity through the use of that system. These modifications are recommended to help preserve and protect water quality.

3. **Floodplain Development:** For projects that would disturb land within the 100-year floodplain, County Planning would likely recommend that the municipality require applicants to eliminate the need for any building or fill within the floodplain or, if that is not possible, to prepare a hydraulic analysis of the impact of localized flooding both upstream and downstream of the project (reference: [Tompkins County Hazard Mitigation Plan](#) resource webpage). These modifications are recommended to help reduce flood risk to property up and downstream of the proposed site. To map a 100-year floodplains on a specific site in Tompkins County, use the [Tompkins County Natural Resource Inventory](#) and select the "Flood Zones" layer.
4. **Unique Natural Areas:** For projects that would disturb land within a designated Unique Natural Area (UNA), County Planning will share the project with the Tompkins County Environmental Management Council (EMC) and would likely recommend that the municipality require applicants to redesign the project so as to not disturb the UNA or, if that is not possible, to **document** that the factors contributing to the designation of the UNA were **considered** and elaborate on how their proposal will not negatively impact the resource (reference: [Tompkins County EMC Unique Natural](#)

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<sup>1</sup> Perennial and intermittent streams, and their recommended buffers, on a specific site in Tompkins County can be mapped using the [Tompkins County Natural Resource Inventory](#).

[Areas Inventory](#) website). These modifications are recommended to help preserve and protect the distinct properties of the UNAs. A county-wide map of UNAs may be found on the [Tompkins County EMC UNA Inventory](#) website.<sup>2</sup>

5. **Public Health:** For projects that require a permit from the County Health Department for a wastewater treatment system or public water supply, County Planning would likely consult with the Tompkins County Environmental Health Division to identify any regulatory issues. Should any issues be identified, County Planning would likely recommend that the municipality condition its approval upon the applicant receiving appropriate permits from the Environmental Health Division. These modifications are recommended to protect public health and safeguard water quality.
6. **State/County Roads:** For projects with curb cuts on any county or state road, County Planning would likely consult with the Tompkins County Highway Department or the New York State Department of Transportation to identify any concerns. Should any issues be identified by these agencies, County Planning would likely recommend that the municipality require applicants to redesign the project to address site-specific concerns. These modifications are recommended to protect public health and safety and to safeguard the functions of state and county highways.
7. **Traffic Impacts:** For projects expected to generate more than 1,000 trips per day based on traffic-generating estimates from the Institute of Transportation Engineers' *Trip Generation Manual*, County Planning would likely recommend that the municipality require applicants to conduct a Traffic Impact Analysis. However, in places where there are existing traffic concerns, County Planning may recommend a traffic study for smaller projects. These modifications are recommended to ensure a safe and efficient transportation network.
8. **Sidewalk Access:** For projects located in, or adjacent to, areas with a sidewalk network, County Planning would likely recommend that the municipality require applicants to provide safe connections to the sidewalk network. These modifications are recommended to help promote safe, healthy and active communities.
9. **Communication Towers:** For communication tower projects, County Planning would likely consult with the Tompkins County Department of Emergency Response to ensure the proposed use will not conflict with the County's public safety communications system and also to ensure the opportunity for co-location has been explored. Should conflicts be identified, County Planning would likely recommend that the municipality require applicants to work with the Emergency Response Department to address any conflicts. These modifications are recommended to help ensure that public safety communications systems are maintained.
10. **Building Energy Use:** For residential projects of more than 10 units, or non-residential project of over 2,000 square feet, County Planning would likely recommend that the municipality require applicants to consider ways to reduce energy demand and/or the use of fossil fuels. For municipalities that have not established their own process for addressing the energy impacts of proposed developments, the County would likely recommend that the municipality require

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<sup>2</sup> Background information on the UNA Inventory is available at the noted links; full details of UNAs are available in the full inventory documents available for review at County Planning, municipal offices and local libraries.

applicants to use the [Tompkins County Energy Recommendations for New Construction \(2018\)](#)<sup>3</sup> to **document** that each of the energy items were **considered** and elaborate on why they chose to incorporate or not incorporate the recommendations. These modifications are recommended to help reduce greenhouse gas emissions.

County Planning runs the Business Energy Advisors program, which assists business owners and facility managers in understanding energy options and setting energy goals for their new construction and renovation projects. Please contact County Planning if such assistance is desired.

11. **Large-Scale Renewable Energy Systems:** For large-scale solar and wind energy systems, County Planning has prepared the [Tools to Promote and Regulate the Deployment of Renewable Energy Systems \(2017\)](#)<sup>4</sup> to help promote the development of renewable energy sources in Tompkins County while addressing their potential negative impacts. For municipalities that have not developed local regulations to address the most common impacts of renewable energy developments, the County would review the proposal using the [Tools](#) document and would likely recommend that the municipality require the applicant to conform to its recommendations. These modifications are recommended to help promote development of local renewable energy systems while addressing concerns with quality-of-life issues related to renewable energy development. For proposed projects larger than 25MW, different recommendations may apply.
12. **Distinctive Views:** For residential projects of more than 10 units, non-residential projects covering more than 10,000 square feet of land, or projects taller than 50 feet and located within the one-mile viewshed of a Distinctive View, County Planning would review the project for potential impacts on that Distinctive View. The [Tompkins County Scenic Resources Inventory](#) identified 25 Distinctive Views in the County. Fourteen of the 25 Distinctive Views are of the area's gorges, six include Cayuga Lake, and 10 are located in one of the four State Parks. Distinctive Views can be found in all of the towns: Caroline (2), Danby (1), Dryden (1), Enfield (2), Ithaca (6), Lansing (2), Newfield (1), and Ulysses (3); in villages: Lansing (1) and Cayuga Heights (1); and in the City of Ithaca (5).

For projects where there may be an impact on one of these Distinctive Views, County Planning would likely recommend that the municipality require applicants to prepare a visual impact assessment that includes these specific views. These modifications are recommended to help preserve and protect scenic resources. A map of Distinctive Views in the County may be found on the [Mapping Tompkins](#) website.

13. **Trails:** For projects that include, or are adjacent to, trails identified as priorities for the county-wide trails network (Black Diamond Trail, Ithaca-Dryden Trail, South Hill Recreation Way, Cayuga Waterfront Trail, and Finger Lakes Trail), County Planning would likely recommend that the municipality require applicants to adequately buffer and provide safe connections to these trails (reference: [Tompkins Priority Trails Strategy](#)). These modifications are recommended to help promote safe, healthy and active communities.

## **B) Common Topics: Other Important Considerations:**

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<sup>3</sup> See Appendix E. Note that the County has adopted these energy recommendations for use in its own SEQRA review process.

<sup>4</sup> See Appendix E.

Below are aspects of proposals that have historically been deemed important to consider. These would likely be expressed in the form of a comment in a GML §239 letter from County Planning.

1. **Natural Features Focus Areas:** For projects located in a Natural Features Focus Area, County Planning may comment that larger vegetated stream buffers be provided to help protect wildlife habitat or corridors. (references: *Tompkins County Conservation Plan* – [Part I \(Natural Resources\)](#) and [Part II \(Agricultural Resources\)](#); *Enhancing Water Resources in Tompkins County: Benefits of Riparian Areas & Stream Buffers*).
2. **Scenic Byway:** For projects located on the [Cayuga Lake Scenic Byway](#) or Forest Home Drive Scenic Road, County Planning may comment on how a project could be improved to enhance scenic characteristics.
3. **Noteworthy Views:** For residential projects of more than 10 units, non-residential projects covering more than 10,000 square feet of land, or projects taller than 50 feet and located within the one-mile viewshed of a Noteworthy View (opposed to a Distinctive View as mentioned above) as identified in the [Tompkins County Scenic Resources Inventory](#), County Planning may suggest that the applicant prepare a visual impact assessment that includes specific views. The Tompkins County Scenic Resources Inventory identified 30 Noteworthy Views in the County. The majority of Noteworthy Views are of Cayuga Lake or another of Tompkins County’s numerous scenic watercourses. These views are found throughout the County, in the Towns of Ulysses (3), Enfield (2), Newfield (2), Danby (1), Caroline (3), Dryden (4), Lansing (2), and Ithaca (8), as well as the Village of Cayuga Heights (1) and the City of Ithaca (4).
4. **Invasive Species:** For projects that incorporate the use of an invasive species as noted on the [Tompkins County Environmental Management Council’s Regional Invasive Species list](#), County Planning may comment that the applicant’s use of that species could encourage the spread of invasive species in the community and suggest that native species be used instead.
5. **Outdoor Lighting:** For projects including outdoor lighting, County Planning may comment that the applicant’s lighting plans could result in adverse ecological impacts and may suggest alternative lighting options. (reference: [EMC Indoor and Outdoor Lighting Resource \(2017\)](#)<sup>5</sup>).
6. **Outdoor Recreation:** For proposed residential projects of more than 30 units, County Planning may comment that the applicants ought to provide on-site recreational areas or, if the project is located within a quarter-mile of a public park, playground or other recreational resource, provide a connection to nearby recreational trails or amenities in their project design.
7. **Pedestrian Connections:** For projects that would impact the continuity of pedestrian and bicycle connections, County Planning may comment on the sufficiency of pedestrian/bicycle connections and facilities to support the safe movement of people and maintain and improve the transportation network.
8. **Transit Service:** For residential projects of more than 30 units, for non-residential projects that would create 50 or more jobs, or for projects that would include large government, education, civic,

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<sup>5</sup> Reference also included in Appendix E.

or cultural facilities, County Planning may comment that the applicant should coordinate with Tompkins Consolidated Area Transit to support the safe movement of people and maintain and improve the transportation network.