

Planning Subcommittee Final Report

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Background and Study

The planning subcommittee was charged with investigating the impact of dissolution on the village laws, ordinances and codes. A major focus of our investigation was the impact dissolution might have on our historic preservation issues.

We have many village laws, codes and ordinances and it would be an impossible task for us to review all of them. The CGR staff (Scott and Katherine Corley) was instrumental in helping us in this work. Scott did a top level review of our laws and zoning codes to try to find those that would be problematic with dissolution. Katherine revisited the historic preservation topic and had discussions with the pertinent state personnel in this area. In addition Scott and Katherine have been in continuous dialogue with both village and town personnel in these areas. And then finally we had several meetings with the most important being the one that was held on June 16th in which we met with village and town personnel and the various commissions, committees and boards involved in these areas. Our goal was to do our best to uncover any “hot buttons” that the community would face in these areas upon dissolution.

The interviewed parties expressed no insurmountable concerns over the eventual consolidation of the currently existing village and town laws, ordinances and codes. Just to remind you, Article 19-1910 states that all village legislation will remain in affect for the first two years post dissolution unless determined otherwise. Upon dissolution, the town would have to work toward reconciling the differences between village and town legislation and incorporate or modify these codes, ordinances and laws into the town legislation. It should be noted that the general opinion voiced was that legislation that is specific to the environment of the village should be continued to maintain the integrity of village life. For example, currently barrel burning is prohibited in the village but allowed in the town outside the village. We feel that differences such as these can be maintained with the proper legislation post dissolution.

Included in the current village legislation is the requirement for a variety of commissions, boards and positions related to this legislation. We met with the code enforcement officer, and representatives from each of the following: zoning board of appeals, cemetery commission and planning board from both the town and village. None of these groups expressed any obstacles to dissolution and the logical leaning of all parties at the meeting was that the boards and commissions could merge post dissolution and transition to smaller group after a suitable transition period.

An important item covered in the current village laws, ordinances, rules, codes and regulations is historic preservation. Recognition of maintaining the importance of this for the future of Seneca Falls leads us to address this area of legislation more specifically. The CGR study clearly defines the impact of dissolution on this topic. Katherine Corley

revisited this topic and the information is basically the same as that which was presented in the November 2008 report. Dissolution would require the town to take the following definite actions.

1. The Historic Preservation District is listed under the Village of SF in the National Registry. The name must be changed to the Town of SF
2. The primary management entity on the Village's Heritage Area plan must be changed to the town.
3. The NY State Historic Preservation Office must be notified that the town will be managing the Visitor Center.

The above are fairly simple but the final issue is a little trickier. The Village is designated as a Certified Local Government. This status cannot simply be transferred to the town. Rather the town would need to apply for the status on its own. It is believed that there might be a cost involved and there most certainly will be a time investment to this process.

Reference

Article 19

Section 1903

Plan for dissolution. The plan for dissolution shall address the following:

5. Whether any local laws, ordinances, rules or regulations of the village in effect on the date of the dissolution of the village shall remain in effect for a period of time other than as provided by section 19-1910 of this article.

Section 1910

1) Unless the plan shall provide otherwise, all local laws, ordinances, rules or regulations of the village in effect on the date of the dissolution of the village, including but not limited to zoning ordinances shall remain in effect for a period of two years following dissolution, as if same had been duly adopted by the town board and shall be enforced by the town within the limits of the dissolved village, except that the town board shall have the power at any time to amend or repeal such local laws, ordinances, rules or regulations in the manner as other local laws, ordinances, rules or regulations of the town.

2) If the village has a zoning board of appeals, or a planning board, or both, and the town does not, then upon dissolution the town board shall act in place of such board or boards until the town board shall have appointed such board or boards for the town in accordance with the provisions of the town law. Such appointments may be made prior to dissolution, to become effective upon the effective date of dissolution.

Recommendations Regarding a Dissolution Plan

Village Laws and Codes –

Article 19 Section 1903 states that a dissolution plan must address whether any local laws, ordinances, rules or regulations shall remain in effect for a period of time other than as provided in Section 1910. There are an abundance of village laws, ordinances, rules and regulations and we don't have the resources to review all of these. We must therefore make the recommendation that the town continue to adopt all village laws,

ordinances rules or regulations post the two year requirement whenever possible and practical so to maintain the integrity of living in the areas formerly within the village limits.

Zoning and Planning

Following the vote for dissolution, we recommend, that the town and village work to resolve any differences in the zoning laws and define town wide zoning laws that include all zones within the current village which will go into effect immediately upon dissolution. We recommend that the town consider instituting a special zoning district that would allow for special regulations that do not apply to the more rural areas outside the former village. (The town of Pike's dissolution plan used the term "Hamlet" for this type of zone.)

We recommend that upon the vote for dissolution the town takes over the zoning officer duties and code enforcement for the entire town. We recommend that the town create a second part time position to supplement the current town code enforcement position. The second position would have the current village area as its concentration and the current town position would have the area outside the village as its concentration. After a period of time and/or upon adoption of the new town zoning regulations the town board may consider turning the two positions into one full-time position.

Boards and Commissions

Upon dissolution we recommend that the planning boards, water and sewer, cemetery commissions, zoning boards of appeals and both town and village be merged into one with increased membership to insure that all areas of the town are equally represented. All members of the current village boards and commissions should be invited and encouraged to become members of the newly expanded town boards and commissions.

Historic Preservation

We recommend that post the mandatory two years the town adopts all laws, ordinances, rules and regulations that pertain to historic preservation. We recommend that these be adopted by the town as soon as is practical after the dissolution vote.

We recommend that the Historic Preservation Commission be transferred to the town soon after the vote for dissolution.

We recommend that the Historic Area Commission be transferred to the town soon after the vote for dissolution.

Following the vote for dissolution the village should transfer management of the Village's Heritage Area plan to the town. This must be done upon dissolution.*

Following the vote for dissolution the village should transfer the management of the Visitor's center to the town and the NY State Historic Preservation Office should be notified of this change. This must be done upon dissolution.*

*Both of the above two must be done due to a contractual agreement the village made with the state to manage the Visitor Center until 2013 based on the funding it received for the building of the VC.

Following the vote for dissolution the NY State Historic Preservation Office must be notified to inform the National Register that current village historic preservation district should be listed as being a district of the Town of Seneca Falls in place of the Village of Seneca Falls.

We recommend that following the vote for dissolution the town board set up a committee to investigate the cost, time and benefits of applying for Certified Local Government Status.