

Darren "Hal" McCabe  
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Village Police: 607-749-2022  
Newton Water Works: 607-749-2511  
Glenwood Cemetery: 607-749-3517  
Streets and Parks: 607-749-3813  
Recreation: 607-749-2161  
Codes: 607-745-3177  
Homer Fire Department: 607-749-3121

**VILLAGE OF HOMER  
BOARD MEETING AGENDA  
May 28, 2024**

1. Regular Meeting of the Board of Trustees called to order by Mayor McCabe
2. Consent Agenda Approval
3. Approve Minutes – 05/14/2024
4. Authorize Payment of Bills
  - F & G Funds – Vouchers
  - A Fund – Vouchers
  - T&A Fund- Vouchers
5. Privilege of the Floor
6. Old Business
7. New Business
  - A. Discuss CFA Applications
  - B. Discuss Beautification Committee
  - C. Accept CCPB Report of Village Code Book
  - D. Adopt Three Resolutions:

***RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF HOMER AUTHORIZING SUBMISSION OF AN UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) RURAL DEVELOPMENT (RD) FUNDING APPLICATION FOR THE VILLAGE OF HOMER WATER SYSTEM STUDY PROJECT***

*WHEREAS, the Village of Homer (Village) is proposing the Village of Homer New Water System Study Project (Project), located in the Village of Homer and Town of Homer, Cortland County, New York; and*

*WHEREAS, the Village of Homer has continued to seek funding opportunities and assistance relative to the Project; and*

*WHEREAS, the Village of Homer intends to apply for grant funding from United States Department of Agriculture (USDA) Rural Development (RD); and*

*WHEREAS, the USDA RD requires a resolution by the Village of Homer authorizing the appointment of an "Authorized Representative" for purposes of execution and advancement of funding opportunities through USDA and its Programs; and*

*WHEREAS, the Village of Homer Village Board has determined that the Village Mayor and/or Deputy Mayor and/or Grant Administrator and/or Clerk should be empowered to act on behalf of the Village of Homer as the "Authorized Representative".*

***NOW, THEREFORE, BE IT***

***RESOLVED, the Village Board Village of Homer hereby authorizes the submittal of an application for funding to USDA, Rural Development for the Village of Homer Water System Study project and the publication of said notice, attached.***

***BE IT FURTHER RESOLVED, the Village Board Village of Homer authorizes the Village Mayor, Deputy Mayor, Grant Administrator and/or Village Clerk to sign all USDA, Rural Development documents associated with the***

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*Water System Study project, including but not limited to: documents related to RD funding, all project funding documents, and/or all documents on the project as a whole.*

*BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.*

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF HOMER AUTHORIZING SUBMISSION OF AN UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) RURAL DEVELOPMENT (RD) FUNDING APPLICATION FOR THE VILLAGE OF HOMER NEW WATER STORAGE TANK PROJECT**

*WHEREAS, the Village of Homer (Village) is proposing the Village of Homer New Water Storage Tank Project (Project), located in the Village of Homer and Town of Homer, Cortland County, New York; and*

*WHEREAS, the Village of Homer has continued to seek funding opportunities and assistance relative to the construction and operation of the Project; and*

*WHEREAS, the Village of Homer intends to apply for grant and/or loan funding from United States Department of Agriculture (USDA) Rural Development (RD); and*

*WHEREAS, the USDA RD requires a resolution by the Village of Homer authorizing the appointment of an "Authorized Representative" for purposes of execution and advancement of funding opportunities through USDA and its Programs; and*

*WHEREAS, the Village of Homer Village Board has determined that the Village Mayor and/or Deputy Mayor and/or Grant Administrator and/or Clerk should be empowered to act on behalf of the Village of Homer as the "Authorized Representative".*

*NOW, THEREFORE, BE IT*

*RESOLVED, the Village Board Village of Homer hereby authorizes the submittal of an application for funding to USDA, Rural Development for the Village of Homer New Water Storage Tank project and the publication of said notice, attached.*

*BE IT FURTHER RESOLVED, the Village Board Village of Homer authorizes the Village Mayor, Deputy Mayor, Grant Administrator and/or Village Clerk to sign all USDA, Rural Development documents associated with the New Water Storage Tank project, including but not limited to: documents related to RD funding, all project funding documents, and/or all documents on the project as a whole.*

*BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.*

**RESOLUTION REGARDING THE STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS AMENDMENT FOR THE VILLAGE OF HOMER SEWER SYSTEM IMPROVEMENTS PROJECT**

*WHEREAS, the Village of Homer (Village) is proposing the Village of Homer Sewer System Improvements Project (Project); and*

*WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6NYCRR Part 617 (the "Regulations"), the Village desires to comply with SEQRA and the Regulations with respect to the Project; and*

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*WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6 NYCRR Part 617, the Village of Homer previously completed the SEQRA process and passed a Negative Declaration for the proposed Project on May 9, 2018;*

*WHEREAS, the Village amended their original SEQRA documents to include rehabilitation of eight of the Village's existing pump stations in addition to collection system rehabilitation in 2020, and re-issued a Negative Declaration for the amended Project on December 22, 2020;*

*WHEREAS, pursuant to the SEQRA Regulations, the Village of Homer Village Board, as Lead Agency, considered the significance of the potential environmental impacts of the amended Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, (b) examining the amended FEOF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEOF and Part 3 Evaluation Document, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of environmental concern:*

*NOW, THEREFORE, BE IT*

*RESOLVED, that the Village of Homer Village Board amended Parts 1, 2, and 3 of the FEOF for the Project in 2020 and the project scope has not changed; and it is further*

*RESOLVED, that the Village of Homer Village Board has completed a review of the amended SEQRA FEOF documents and confirms that the project is a Type I Action which has been determined will not have any significant adverse impact on the environment as provided in the amended FEOF documents attached hereto and hereby made a part thereof; and it is further*

*RESOLVED, that the Mayor of the Village of Homer is hereby authorized to take all actions, serve all notices, and complete all documents in order to give full force and effect to this amended SEQRA process; and*

*BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.*

**8. Comments by Village Attorney**

**9. Comments by Board Members**

**10. Executive Session – Per NYS Public Officers Law, Article 7 §105**

**11. Adjournment**



**Cortland County Planning Department**  
60 Central Ave • Cortland, New York 13045-2838  
Telephone: (607) 753-5043

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**General Municipal Law (GML) 239 Report**

**March 15, 2024**

**Village of Homer  
Village Code Update  
Chapter 79 – Buildings, Vacant  
Chapter 198 – Subdivision  
Chapter 221 – Water and Sewers  
Chapter 228 – Zoning  
Additional Incidental Changes Throughout**

**TO:** Cortland County Planning Board  
**FROM:** Cortland County Planning Department

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**This report is for the purpose of reviewing proposed amendments to the Village of Homer Code. This review is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-M and N because it affects property throughout the Village of Homer.**

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**GENERAL INFORMATION**

**Date Received:** January 10, 2024

**Applicant:** Village of Homer  
Fran Casullo, Village Attorney  
16 Tompkins Street, P.O. Box 828  
Cortland, NY 13045

**Requested Action:** review of proposed amendments to the Village Code

**ANALYSIS**

The Village of Homer (hereafter “the Village”) is digitizing its Code and posting it online for easy reference and searching by any interested parties. As part of the process of digitizing, the Village and their consultant, E-Codes, are updating Codes to be as current as possible.

The proposed new Village Code has a new Chapter 79 (Appendix A to this report) and a complete rewriting of Chapters 198 (Appendix B to this report), Chapter 221 (Appendix C to this report), and Chapter 228 (Appendix D to this report). There are also incidental changes throughout the Code. The incidental changes have no recommendations by the Cortland County Planning Board and are listed as an Appendix E to this report.

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## ANALYSIS

### **Chapter 79 Buildings, Vacant**

The Code Village of Homer does not currently contain a Chapter 79. The newly proposed Chapter 79 is not categorized by Article. It contains the following sections:

1) Definitions; 2) Registration, Maintenance, Inspections, Notice, Remedial Actions by the Village; 3) Fees; 4) Filing of Property Specific Information; 5) Exceptions from Registration Requirements; 6) Access to Buildings for Inspection; 7) Annual Reports; 8) Penalties for Offenses; 9) Separability; 10) Repealer; and 11) Effective Date.

These sections contain the following provisions:

§79-2 Registration, Maintenance, Inspections, Notice, Remedial Actions by the Village requires that *The owner shall register with the Code Enforcement Officer not later than 30 days after any building in the Village becomes a vacant building or not later than 30 days after being notified by the Code Enforcement Office of the requirement to register.* It is recommended that the word *then* be changed to *than* within this subsection.

§79-2 Registration, Maintenance, Inspections, Notice, Remedial Actions by the Village also indicates the registration procedure. Subsection (E) indicates that the owner is to keep a vacant building secure in specified ways. It also indicates that after a three-month period of building vacancy, the owner *shall provide evidence that they are proceeding in an expeditious manner to remove the building from its vacant status.* Specific types of evidence are indicated. This section also indicates minimum upkeep requirements for vacant buildings.

§79-2 Registration, Maintenance, Inspections, Notice, Remedial Actions by the Village also indicates the actions that may be taken by the Code Enforcement Officer when a building is vacant and when the owner of a vacant building does not comply with Code. It indicates that any new owners of a vacant property must register with the Code Enforcement Officer within 30 days of that transfer of ownership.

§79-3 Fees indicates that an annual fee must be paid by an owner of a vacant building and the required timing of such payments, along with penalties for delinquent fees.

§79-4 Filing of Property Specific Information indicates that community members may file written statements with the Code Enforcement Officer concerning the vacant property.

§79-5 Exceptions from Registration Requirements indicates that, in certain extenuating circumstances submitted in writing to the Code Enforcement Officer, the owner of a vacant parcel may have an extension on the filing deadline.

§79-6 Access to Buildings for Inspection indicates that, if a vacant building's owner does not willingly grant the Code Enforcement Officer access to such building for inspection, that the Code Enforcement Officer may be required to obtain a search warrant.

§79-7 Annual Reports indicates that the Code Enforcement Officer is required to submit quarterly reports on the status of buildings declared vacant.

§79-8 Penalties for Offenses indicates the penalties for vacant-building owners who do not follow the outlined procedures of this section of Code.

§79-9, Separability indicates that any invalid provision of this section of code shall not invalidate the entire chapter, but just the invalid provision.

§79-11 Repealer

§79-11 Effective Date indicates that this chapter shall take effect on June 1, 2012 upon filing with the Department of State. It is recommended that this date be changed to a future date.

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## **Chapter 198 Subdivision of Land**

This chapter, concerning subdivision regulations, is amended in its entirety. It contains Article I, General Provisions; Article II, Installation and Improvements; Article III, Major Subdivisions; Article IV, Additional Requirements; Article V, Administration and Enforcement.

Minor subdivisions are not listed in the article titles. It is therefore recommended that Minor Subdivisions be listed within the article titles.

### **ARTICLE I General Provisions**

This Article contains subsections: 1) Purpose; 2) Planning Board; 3) Title; 4) Definitions; 5) Applicability; 6) Procedure in Filing Subdivision Applications; 7) Minor Subdivision Procedures; 8) Major Subdivision Review and Approval Procedure; 9) Design Standards and Required Improvements – Major Subdivisions; and 10) Installation of Improvements – Major Subdivisions.

§198-7 Minor Subdivision Procedures (B) Information Required for the Final Plat (2) (d) uses the word *structure*. It is recommended that the Village consider adding the word *structure* to §198-4 Definitions.

§198-8 Major Subdivision Review and Approval Procedure (H) Final Plat Approval Procedure (Major Subdivision) (8) Filing Plats in Sections (c) It is recommended that the specific subsection be cited when referring to Article 16 of the Town Law of the State of New York.

§198-9 Design Standards and Required Improvements – major subdivision (C) Shoulders It is recommended that the Village consider adding the word *shoulder* to §198-4 Definitions.

§198-9 Design Standards and Required Improvements – major subdivision (D) Sidewalks It is recommended that the Village consider developing a sidewalk program to aid in identifying

locations that may be a reference for subdivision applicants.

§198-9 Design Standards and Required Improvements – major subdivision (H) Water Supply It is recommended that the sentence *Connection to the require a public water supply system, such system shall be installed at the expense of the subdivider to specifications acceptable to the Cortland County Health Department* be altered to read *Connection to the ~~require a~~ public water supply system, ~~such system~~ shall be installed at the expense of the subdivider to design specifications acceptable to the Cortland County Health Department.*

#### **ARTICLE II Installation of Improvements**

This Article contains subsections 11) Plat Submission; 12) Review by Planning Board; and 13) Submission Requirements.

#### **ARTICLE III Major Subdivisions**

This Article contains subsections 14) General Provisions; 15) Preapplication Requirements; 16) Preliminary Plat; 17) Final Plat; and 18) Submission Requirements.

§198-17 Final Plat (H) Recording and Filing It is recommended that the Village consider whether *one opaque black-line cloth print and transparent linen print* used in this section are terminology in current usage and are practical requirements for subdivision applicants.

§198-18 Subdivision Requirements (C) Final Plat Requirements (2) Preparation (9) Utilities Plans Shall be Shown as Follows does not include gas and electric. It is recommended that the Village consider whether gas and electric should be included under this subsection.

#### **ARTICLE IV Additional Requirements**

This Article contains subsections 19) Utilities; 20) Open Space; 21) Improvements; 22) Performance Bonds; 23) Design Standards; 24) Easements; and 25) As-built Plans.

#### **ARTICLE V Administration and Enforcement**

This Article contains subsections 26) Inspections; 27) Enforcement; and 28) Variances.

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### **Chapter 221 Water and Sewers**

This chapter, concerning water and sewer regulations, is amended in its entirety. It contains

#### **Part I Water**

Article I, General Provisions

#### **Part II Sewers**

Article II, General Provisions; Article III, Regulations; Article IV, Discharge Report, Wastewater Discharge Permits and Administration; Article V, Penalties

**Part III Billing, Charges and Benefit System**

Article VI, General Provisions; Article VII, Benefit System

**Part IV Miscellaneous Provisions**

Article VII, Cross-connections; Article IX, Rates and Charges.

**ARTICLE I General Provisions**

This Article contains subsections 1) Rules to be Part of the Contract; 2) Applications and Permits; 3) Building Purposes; 4) Services; 5) General Conditions and Restrictions; 6) Meters; 7) Water Rates; 8) Bills and Payment; 9) Hydrants and Valves; 10) Technical Standards and Specifications for Connecting Water Systems and Mains; 11) Penalties for Offenses; and 12) Other Charges.

§221-4 Services (I) It is recommended that this section specify the portion of the service pipe that the owners of premises shall be responsible for.

**ARTICLE II Sewers**

This Article contains subsections 13) Policy and Purpose; and 14) Definitions; Word Usage.

**ARTICLE III Regulations**

This Article contains subsections 15) Use of Public Sewers Required; 16) Building Sewers and Connections; 17) Installation of Residential Sewer Laterals; 18) Prohibitions on Discharge; 19) Prohibition on Storm Drainage and Groundwater; 20) Prohibition on Unpolluted Water; 21) Radioactive Wastes; 22) Limitations on Use of Garbage Grinders; 23) Limitations on Point of Discharge; 24) Holding Tank Waste; 25) Limitations on Wastewater Strength; 26) Disposal of Unacceptable Waste; 27) Metered Water Supply; 28) Metered Wastewater Volume and Metered Diversions; and 29) Estimated Wastewater Volume.

**ARTICLE IV Discharge Report, Wastewater Discharge Permits and Administration**

This Article contains subsections 30) Discharge Reports; 31) Industrial Discharge Permits; 32) Monitoring Facilities; 33) Inspection and Sampling; 34) Pretreatment Facilities; 35) Protection from Accidental Discharge; 36) Confidential Information; 37) Special Agreements; 38) Authorized Access; 39) Statement of Policy; 40) Nonindustrial Sewer Charge and Special Assessment; 41) Payment of Sewer Rents; 42) Penalties for Late Payment or Nonpayment; 43) Lien; 44) Computation of Industrial User Charge; 45) Basis for Determination; 46) Volume Determination; 47) Determination of Pollutant Concentration 48) Pollutant Concentration Disputed by a User; 49) Incorporation; 50) Accidental Discharge; 51) Schedule of Compliance; 52) Appeals; 53) Falsifying of Information; 54) Analytical Procedures; 55) Potential Bond Requirements; 56) Termination of Service; 57) Notification Requirements; and 58) Emergency Action.

**ARTICLE V Penalties**



This Article includes subsection 59) Penalties for Offenses

#### **ARTICLE VI** General Provisions

This Article includes subsections 60) Secretary to Collect; and 61) Construal of Provisions.

#### **ARTICLE VII** Benefit System

This Article includes subsections 62) Purpose; 63) Explanation of System; and 64) Calculation of Benefit Units.

#### **ARTICLE VIII** Cross-connections

This Article contains subsections 65) Authority; Purpose; and 66) Fluoridation.

#### **ARTICLE ~~IX~~** Rates and Charges

This Article was not included in this referral.

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### **Chapter 228 Zoning**

This chapter, concerning zoning regulations, is amended in its entirety. It contains Article I, General Provisions; Article II, District Regulations; Article III, Signs; Article IV, Off-street Parking and Loading; Article V, Off-street Parking and Loading; Article VI, Nonconforming Uses; Article VII, Additional Regulations; Article VIII, Administration and Enforcement; Article IX, Board of Appeals; Article X, Wellhead Protection Overlay District; Article XI, Solar Energy; Article XII, Stormwater Control.

The following are the County Planning Department's recommendations for changes to this chapter.

#### **ARTICLE I** General Provisions

This Article contains subsections 1) Statutory Authorization; Purposes; Enactment; 2) Title; 3) Word Usage; 4) Definitions; 5) Enumeration of Districts; Zoning Map; 6) District Boundaries; 7) Floodable Area Boundary; 8) Number of Principal Buildings per Lot; 9) Applicability; and 10) Anything not Listed is not Permitted.

§228-1 Statutory authorization; purposes; enactment contains (B) *While signs are important to public welfare, the indiscriminate use of signs degrades the visual quality of a neighborhood and creates distractions, obstructions and hazards, and the purpose of this chapter is to prevent undesirable proliferations of signs.* This subsection seems more suited to Article III, Signs. It is therefore recommended that §228-1 Statutory authorization; purposes; enactment contains (B) be relocated to Article III, Signs.

#### **ARTICLE II** District Regulations

This Article contains subsections 11) R-1 Residential District; 12) R-2 Residential District; 13) B-1 Neighborhood Business District; 14) B-2 General Business District; 15) CBD Central Business District; 16) ID Industrial District; and 17) PDD Planned Development Districts.

§228-11. R-1 Residential District indicates that (B) *Uses permitted by right in the R-1 Residential District shall be as follows: (1) Single-family homes not including mobile homes.* New York Executive Law Article 21-B Manufactured Homes Title 2 Single-family Dwellings in Residential Districts indicates that §616 *A manufactured home that is affixed to a permanent foundation and conforms with the identical development specification and standards, including general aesthetic and architectural standards, applicable to conventional, site-built single-family dwellings in the residential district in which the manufactured home is to be sited, shall be deemed to be a conforming single family dwelling for purposes of the applicable local zoning law or ordinance.* It is therefore recommended that Section §228-11 (B) (1) and any other sections within this document (such as Article II District Regulations Section §228-12 R-2 Residential District (B) (1) and elsewhere) that mention mobile homes be rephrased to conform with New York State Executive Law.

§228-12 R-2 Residential District indicates in the NOTES: *Where public sewerage facilities do not exist, the minimum lot size for any dwelling structure shall be 20,000 square feet.* Cortland County Health Department Rules and Regulations Minimum Lot Size Rule, Minimum Lot Sizes and Additional Requirements indicates that minimum lot sizes where no public water or sewer exist is 105,000 square feet (2.4 acres). It is therefore recommended that this section add the phrase *contingent upon Cortland County Health Department approval* be added to end of this sentence.

§228-13 B-1 Neighborhood Business District (B) indicates that (1) *The following regulations apply to all uses permitted in this district: Minimum rear yard (feet) 10.* However, this appears to be contradicted by Section §228-13 B-1 Neighborhood Business District (B), which indicates that (2) (b) *all buildings, including apartments accessory to business uses, shall have a rear yard not less than 30 feet in depth.* It is therefore recommended that the Village consider altering these references to be consistent.

Chapter 228 contains two separate sections dealing with signs. The first, in Article II District Regulations Section §228-14 (E) Sign Regulations, singles out the B-3 district. No other district in this Article articulates sign regulations specific to that district. Article III is solely devoted to Signs. It is therefore suggested that Section §228-14 (E) Sign Regulations be relocated under Article III.

### **ARTICLE III Signs**

This Article contains subsections 18) Purpose; 19) Permit Required; 20) Signs Permitted in All Zoning Districts Without a Permit or Fee; 21) Sign Regulations Enumerated by District; 22) Signs are Prohibited in All Zoning Districts; 23) The Following Limitations Shall Apply; and 24) Removal of Signs.

§228-21 Sign regulations enumerated by district does not, in fact, enumerate signs by district. Therefore, it is recommended that either the section heading be altered to accurately represent the items in the list or the items in the list be altered to include district designations. Further, this section does not indicate that the items on the list are permitted. It is therefore

recommended that this section specifically indicate that items on the list are permitted.

#### **ARTICLE IV and ARTICLE V Off-Street Parking and Loading**

Article IV contains subsection 25) Parking.

Article V contains subsections 26) Parking; and 27) Loading.

Article IV Off-Street Parking and Loading §228-25 Parking is identical to Article V Off-Street Parking and Loading §228-25 Parking (A) It is therefore recommended that Article IV be deleted and the articles, sections, and references be renumbered from this point.

#### **ARTICLE VI Nonconforming Uses**

This Article contains subsections 28) Continuation; 29) Extension or Enlargement; 30) Abandonment; 31) Restoration; and 32) Completion.

§228-31 Restoration indicates that *No building which has been damaged by fire or other natural causes to the extent of more than 4096 of its assessed value...* It is not clear whether this number refers to percentage, dollars, feet, or something else. It is therefore recommended that this number be further specified and the editor's note deleted.

#### **ARTICLE VII Additional Regulations**

This Article contains subsections 33) Floodable Areas; 34) Storage and Dumping; 35) Private Swimming Pools; 36) Antennas; and 37) Animal Harboring; 38) Bed-and-breakfast Establishments; 39) Mobile Homes and Mobile Home Parks; 40) Home Occupations.

§228-34 Storage and dumping refers to *junk*, but the word *junk* is not defined in §228-04 Definitions. It is therefore recommended that a definition be added for this term in the Definition section of this chapter.

§228-37 Animal Harboring The term animal harboring does not appear in §228-04 Definitions. It is therefore recommended that a definition be added for this term in the Definition section of this chapter.

#### **ARTICLE VIII Administration and Enforcement**

This Article contains subsections 41) Site Plans; 42) Code Enforcement Officer; Powers and Duties; 43) Zoning Permits; 44) Certificates of Occupancy; 45) Complaints; 46) Penalties for Offenses; 47) County Approval; 48) Compliance Required; and 49) Amendments.

#### **ARTICLE IX Board of Appeals**

This Article contains subsections 50) General Provisions; 51) Procedures; and 52) Powers and Duties.

#### **ARTICLE X Wellhead Protection Overlay District**

This Article contains subsections 53) Purpose and Intent; 54) Definitions; 55) Scope of the

Wellhead Protection Overlay District; 56) Encouraged Uses; 57) Permitted Uses; 58) Nonconforming Uses; 59) Prohibited Uses; 60) Special Use Provisions; 61) Performance Standards; 62) Special Permits; 63) Liability; 64) Change in Use or Ownership; 65) Public Hearing; 66) Enforcement; and 67) Map Amendment.

§228-55 Scope of the Wellhead Protection Overlay District (A) indicates that ...*the memorandum and diagrams are attached to this article as Appendix A*, but the footnote says that *Said appendix is on file in the Village offices*. It is therefore recommended that this contradiction be resolved.

§228-64 Change in Use or Ownership (A) and (B) may be perceived as contradictory or confusing. It is therefore recommended that these subsections be reworded for clarity.

## **ARTICLE XI Solar Energy**

This Article contains subsections 68) Authority; 69) Statement of Purpose; 70) Definitions; 71) Applicability; 72) Solar as an Accessory Use of Structure; 73) Approval Standards for Large-scale Solar Systems as a Special Use; 74) Abandonment and Decommissioning; 75) Enforcement; and 76) Severability.

§228-73 Approval Standards for Large-scale Solar Systems as a Special Use (B) does not explicitly indicate financial responsibility for decommissioning. It is therefore recommended that this be explicitly stated in the text. Additionally, this section indicates that an abandoned system will trigger an imposed lien on the property. It is recommended that the Village consider 1) whether it is preferable that the financial burden would be fixed on the operator, rather than the property owner who may, in fact, be someone renting out the premises such as the Village or the County and 2) if the lien is preferred, whether the lien would sufficiently cover all decommissioning costs.

§228-74 Abandonment and Decommissioning This section does not indicate responsibility for the removal of abandoned solar energy systems. It is therefore recommended that responsibility be explicitly indicated as being on the most recent operator.

## **ARTICLE XII Stormwater Control**

This Article contains subsections 77) General Provisions; 78) Erosion and Sediment Control and Stormwater Management; and 79) Administration and Enforcement. Accompanying Solar Energy Permit Application and Stormwater Control Facility Maintenance Agreement are indicated but not included in the application.

§228-77 General Provisions (D) (4) refers to §228-78A(3). However, there is no such section in this document. It is therefore recommended that this reference be corrected.

§228-78 Erosion and Sediment Control and Stormwater Management (A) SENSITIVE AREAS gives examples of such places, but does not give a definition. It is therefore recommended that a definition also be included.

Finally, this proposal is considered a Type I Action under SEQR: (b) *The following actions are Type I if they are to be directly undertaken, funded or approved by an agency: (2) The adoption*

of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district. The proposed changes affect all areas of all zoning districts in the Village of Homer. Therefore the Village has completed Part I of an environmental Assessment Form. Parts II & III would then be completed by the Village to determine if there may be any significant adverse environmental impacts as a result of the proposed use.

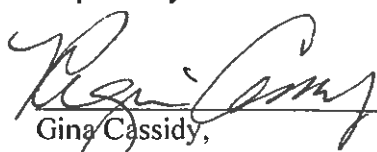
### RECOMMENDATION

The staff recommends approval of this application for review of the new text of the Homer Zoning Law only under the following conditions:

1. that, regarding §79-2, the word *then* be changed to *than*
2. that, regarding §79-11, Effective Date be changed to a future date
3. that, in §198, Minor Subdivisions be listed within the article titles
4. that the Village consider adding the word *structure* to §198-4 Definitions
5. that, in §198-8 (H)(8) (c), the specific subsection be cited when referring to Article 16 of the Town Law of the State of New York
6. that the Village consider adding the word *shoulder* to §198-4 Definitions
7. that, regarding 198-9 (D), the Village consider developing a sidewalk program to aid in identifying locations that may be a reference for subdivision applicants
8. that, regarding, §198-9 (H), the sentence *Connection to the require a public water supply system, such system shall be installed at the expense of the subdivider to specifications acceptable to the Cortland County Health Department* be altered to read *Connection to the require a public water supply system, such system shall be installed at the expense of the subdivider to design specifications acceptable to the Cortland County Health Department*
9. that, regarding §198-17 (H), the Village consider whether *one opaque black-line cloth print* and *transparent linen print* used in this section are terminology in current usage and are practical requirements for subdivision applicants
10. that, regarding §198-18 (C) (2) (9), the Village consider whether *gas* and *electric* should be included under this subsection ✓
11. that the Village consider soliciting input from County Soil and Water District and the Department of Environmental Conservation for their recommendations regarding the Water and Sewers chapter → AS WELL AS (C) CORTLAND WWTP
12. that, regarding §221-4 Services (I), this section specify the portion of the service pipe that the owners of premises shall be responsible for
13. that §228-1 (B) be relocated to Article III, Signs

14. that §228-11 (B) (1), §228-12 (B) (1), and wherever else mobile homes are referenced, text be rephrased to conform with New York State Executive Law
15. that, regarding §228-12, text include the phrase *contingent upon Cortland County Health Department approval* be added to end of this sentence
16. that, regarding §228-13 (B) (1) and §228-13 (B) (2) (b), the Village consider making rear yard minimum distances consistent
17. that Section §228-14 (E) be relocated under Article III
18. that §228-21 enumerate signs by district and indicate that the items on the list are permitted.
19. that Article IV §228-25 be deleted and the articles, sections, and references be renumbered from this point
20. that, regarding §228-31, the number 4096 be further specified and the editor's note deleted
21. that the Village consider adding the word *junk* to §228-04 Definitions
22. that the Village consider adding the phrase *animal harboring* to §228-04 Definitions
23. that, regarding §228-55, the location of the *memorandum and diagrams* be verified
24. that §228-64 (A) and (B) be reworded for clarity
25. that §228-73 (B) indicate financial responsibility for decommissioning
26. that, regarding §228-73 (B), the Village consider 1) whether it is preferable that the financial burden would be fixed on the operator, rather than the property owner, who may, in fact, be someone renting out the premises such as the Village or the County and 2) if the lien is preferred, whether the lien would sufficiently cover all decommissioning costs
27. that, regarding §228-74, responsibility be explicitly indicated as being on the most recent operator
28. that, regarding a reference that appears in §228-77 (D) (4) to §228-78A(3), the reference (currently to a non-existent subsection) be corrected
29. that, regarding §228-78 (A), a definition of *sensitive areas* be included
30. compliance with SEQR requirements.

Prepared by:

  
 Gina Cassidy,  
 Land Use Planner

Reviewed by:

  
 Trisha R. Hiemstra, P.E.,  
 Director of Planning

RESOLUTION NO. 24-13

ON THE MOTION OF: Paul Slowey  
Donnell Boyden

Village of Homer  
Adoption of Revised Zoning Regulations

WHEREAS, on January 10, 2024, the Village Attorney, Village of Homer, pursuant to General Municipal Law 239 M, submitted an application for review of revised Village zoning regulations

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated March 15, 2024, which is on file, AND

WHEREAS, the Cortland County Planning Board, on March 20, 2024, held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments, and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that **only under the following conditions** does the Board recommend approval of Village of Homer revised zoning regulations:

1. that, regarding §79-2, the word *then* be changed to *than*
2. that, regarding §79-11, Effective Date be changed to a future date
3. that, in §198, Minor Subdivisions be listed within the article titles
4. that the Village consider adding the word *structure* to §198-4 Definitions
5. that, in §198-8 (H)(8) (c), the specific subsection be cited when referring to Article 16 of the Town Law of the State of New York
6. that the Village consider adding the word *shoulder* to §198-4 Definitions
7. that, regarding 198-9 (D), the Village consider developing a sidewalk program to aid in identifying locations that may be a reference for subdivision applicants
8. that, regarding, §198-9 (H), the sentence *Connection to the require a public water supply system, such system shall be installed at the expense of the subdivider to specifications acceptable to the Cortland County Health Department* **be altered to read** *Connection to the ~~require a public water supply system, such system~~ shall be installed at the expense of the subdivider to **design** specifications acceptable to the Cortland County Health Department*

9. that, regarding §198-17 (H), the Village consider whether *one opaque black-line cloth print* and *transparent linen print* used in this section are terminology in current usage and are practical requirements for subdivision applicants
10. that, regarding §198-18 (C) (2) (9), the Village consider whether *gas* and *electric* should be included under this subsection
11. that the Village consider soliciting input from County Soil and Water District and the Department of Environmental Conservation for their recommendations regarding the Water and Sewers chapter
12. that the Village consult with the City of Cortland to ensure that their regulations and specifications conform with what is allowable in the context of the City of Cortland's wastewater treatment facility's regulations and specifications
13. that all references to New York State Uniform Fire Prevention and Building Code be consistent
14. that, regarding §221-4 Services (I), this section specify the portion of the service pipe that the owners of premises shall be responsible for
15. that §228-1 (B) be relocated to Article III, Signs
16. that §228-11 (B) (1), §228-12 (B) (1), and wherever else mobile homes are referenced, text be rephrased to conform with New York State Executive Law
17. that, regarding §228-12, text include the phrase *contingent upon Cortland County Health Department approval* be added to end of this sentence
18. that, regarding §228-13 (B) (1) and §228-13 (B) (2) (b), the Village consider making rear yard minimum distances consistent
19. that Section §228-14 (E) be relocated under Article III
20. that §228-21 enumerate signs by district and indicate that the items on the list are permitted.
21. that Article IV §228-25 be deleted and the articles, sections, and references be renumbered from this point
22. that, regarding §228-31, the number *4096* be further specified and the editor's note deleted



23. that the Village consider adding the word *junk* to §228-04 Definitions
24. that the Village consider adding the phrase *animal harboring* to §228-04 Definitions
25. that, regarding §228-55, the location of the *memorandum and diagrams* be verified
26. that §228-64 (A) and (B) be reworded for clarity
27. that §228-73 (B) indicate financial responsibility for decommissioning
28. that, regarding §228-73 (B), the Village consider 1) whether it is preferable that the financial burden would be fixed on the operator, rather than the property owner, who may, in fact, be someone renting out the premises such as the Village or the County and 2) if the lien is preferred, whether the lien would sufficiently cover all decommissioning costs
29. that, regarding §228-74, responsibility be explicitly indicated as being on the most recent operator
30. that, regarding a reference that appears in §228-77 (D) (4) to §228-78A(3), the reference (currently to a non-existent subsection) be corrected
31. that, regarding §228-78 (A), a definition of *sensitive areas* be included
32. compliance with SEQR requirements.

BE IT FURTHER RESOLVED, that the Board reminds the Village of Homer that the requirements of General Municipal Law Section 239 M that the Village of Homer is to file a report of final action with the Planning Department within thirty days after final action, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Code Enforcement Officer, Village of Homer.

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Laurie Comfort, Secretary  
Cortland County Planning Board  
March 21, 2024  
Ayes: 8  
Nays: 0  
Abstention:  
Absent:3