

**A Town Board Meeting of the Town of Owasco was held on August 8, 2019  
At 4:00 PM in the Owasco Town Hall with the following members present:**

**PRESENT:** Supervisor Edward Wagner  
Councilperson Tony Gucciardi  
Councilperson Richard Knaul  
Councilperson, Tim Kerstetter

**ABSENT:** Councilperson Ashley Melendez

**OTHERS PRESENT:** Riccardo Galbato, Kathy O’Neil, Maryanne White, Gloria Cuddy, Gerry Guiney, Katie Green, Virginia Fitzpatrick, Bob Warren.

**CALL TO ORDER: 4:00 PM**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

**RESOLUTION 19-123 approval of Town Board Agenda for August 8, 2019**

Motion by Councilperson Kerstetter; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

**APPROVAL OF MINUTES:**

**RESOLUTION 19-124 approval of Town Board Minutes for July 11 2019.**

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

**PUBLIC PARTICIPATION:**

Before the public spoke Supervisor Wagner addressed the residents regarding a property know as Arcadia St, the supervisor stated they residents may speak but he could not comment or answer questions due to the possible upcoming litigation with the said property.

Diane Warren- Stryker Ave, addressed the board with the question as to how the town could quit claim land behind her home to All Media, 89 Letchworth St. as it is her property and not the towns to give for \$1.00. (The land in question boards the back of her property).

Maryann White- Zoar Street resident, also addressed the board regarding the land (known as Arcadia Street) that was given in quick claim deed for \$1.00 land to All Media, she also states that her abstract shows to land is question belonging to her. Maryann also questioned as to why the town did not approached the residents with this property transfer. Maryann was also very upset as All Media, came into the property and buzzed down 14 of the trees on the property.

Gloria Cuddy of Stryker Ave also concerned with the property transfer as well as the lost trees, she had an arborist come to the property to value the tree that was also removed and the arborist valued it at \$50,000.00.

Joey DeMaio owner of All Media, LLC addressed the board and others present that he could not comment as the comments and questions are subject of an ongoing court matter, and he has been advised to not comment.

Katie Green of Stryker Ave, had concerns with the property plans along the back of her property AKA Arcadia Street, as they have a lot of water on their property that drains into the creek and is concerned if they fill it in, it will cause their property to be swapped out.

Bob Warren Stryker Ave, also had concerns with the property transfer.

Supervisor Wagner closed the public participation.

**COMMUNICATIONS:**

**NEW BUSINESS:**

**OLD BUSINESS:**

**RESOLUTION 19-125** To withdraw or expend up to \$9,000.00 toward the cost of a new server and accessories from the **Server and other Computer Equipment Reserve Fund.**

**WHEREAS**, on 4.10.14 by Resolution 14-062 the Town Board Established a Capital Reserve Fund to Finance a “Type” of Capital Improvement or Equipment; **Server and other Computer Equipment Reserve Fund.**

**RESOLVED:** To withdraw or expend up to \$9,000.00 toward the cost of a new server and accessories from the **Server and other Computer Equipment Reserve Fund.**

This purchase is being made pursuant to the Town’s Procurement Policy.

The Town Board is making this expenditure subject to permissive referendum and directs the Town Clerk to publish a notice in The Citizen.

**Motion by Councilperson Gucciardi; Second Councilperson Knaul**

<b>Roll call vote:</b>	<b>Councilperson Knaul</b>	<b><u>Yes</u></b>	<b>Councilperson Gucciardi</b>	<b><u>Yes</u></b>
	<b>Councilperson Kerstetter</b>	<b><u>NO</u></b>	<b>Councilperson Melendez</b>	<b><u>Absent</u></b>
	<b>Supervisor Wagner</b>	<b><u>Yes</u></b>		

**RESOLUTION 19-126 to open public hearing for proposed Local Law No. 3 2019, Amend PDD All Media LLC.**

**Motion by Councilperson Gucciardi; Second Councilperson Knaul**

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

**\*\*Councilmen Richard Knaul commented on the public hearing request to amended the PDD for All Media LLc, The councilmen questioned Mike Palmieri architect for All Media, with concerns to the proposed addition, All Media previously requested to expand from the north wall of the building and this request was to build out from the rear of the building. Councilmen Knaul asked if they would agree to withdraw the north wall addition request, owner Joe DeMaio agreed to remove it from the plans.**

**Mr. Warren of Stryker Ave, also addressed the public hearing to amend the PDD with water concerns as he stated the building housing All Media has numerous pipes from the building draining into the creek.**

**Maryann White address the environmental concerns regarding the SEQRA, questioned when would the town be completeing the environmental assessment regarding the addition and the creek drainage concerns.**

**Gloria Cuddy also had drainage concerns as her yard drains down into the creek, she stated that the town has come on many occasions and dredged and maintained the creek, she is concerned if All Media fills in the creek with a culvert the yards will be swamped.**

**Supervisor Wagner provided the residents with the information that Cayuga County Soil & Water are actually working near the pond above the creek that feeds down the line and would hopefully mitigate the issues with the overflow.**

**RESOLUTION 19-127 to Close public hearing for proposed Local Law No. 3 2019, Amend PDD All Media LLC.**

**Motion by Councilperson Gucciardi; Second Councilperson Knaul**

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

**Special Council, Andy Leja JD went through line by line to complete the the Short Form SEQRA.**

**RESOLUTION 19- 128 A Resolution of the Town Council declaring a Negative Declaration pursuant to SEQRA for the amendment of the 89 Letchworth Street Commercial Planned Development District**

**WHEREAS, All Media 1, LLC (“Joey DeMaio”) filed an application on June 26, 2019 to amend the existing 89 Letchworth Street Planned Development District (“PDD”) to construct a 3,477± square foot addition to the existing one-story masonry building – currently used as a mixed-use office building – to house two recording studios, a storage room and a break room, per the Site Plan dated June 25, 2019 and Floor Plan Section and Elevations dated May 31, 2019 from Michael J. Palmieri, Architect; and**

**WHEREAS, as part of its review of the amendment application, the Town Council has undertaken an environmental impact review pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and**

**WHEREAS, the Town Council has received and reviewed a completed Environmental Assessment Form and other information from the Applicant, which has been used to determine whether and to what extent the Project may have a significant impact upon the environment; and**

**WHEREAS, in the course of open discussion about the merits of the proposed amendment, the Applicant proposed to withdraw from the PDD an approximately 1,760 square foot garage that was approved in 2015 but never constructed, as a mitigative measure to reduce impervious coverage, and the Town Council accepted the Applicant’s proposal as part of the PDD amendment; and**

**WHEREAS, based upon the information provided, the Town Council has: a) determined that the Project qualifies as an Unlisted Action as defined under Part 617.2 of SEQRA; b) conducted an uncoordinated review of the Project pursuant to SEQRA; c) performed a “hard look” review of potential environmental impacts arising from the Project based upon all information received; and d) determined that the Project will not cause or result in any significant adverse environmental impacts, which qualifies it for issuance of a Negative Declaration from the Board:**

**NOW, THEREFORE, BE IT RESOLVED that:**

- 1. The Council classifies the Project as an Unlisted Action pursuant to SEQRA.**
- 2. The Council approves and adopts a Negative Declaration consistent with its determination that the Project will not have a significant impact upon the environment, thus concluding the Council’s SEQRA review of the Project.**
- 3. The Council authorizes the Town Supervisor or his designated appointee to prepare, execute and file as necessary all documents in support of the above-referenced Negative Declaration issued in connection with the Project.**
- 4. This Resolution shall take effect immediately.**

**Motion by: Councilperson Gucciardi. Second Councilperson Kerstetter**

<b>Roll call vote:</b>	<b>Councilperson Knaul</b>	<b><u>Yes</u></b>	<b>Councilperson Gucciardi</b>	<b><u>Yes</u></b>
	<b>Councilperson Kerstetter</b>	<b><u>Yes</u></b>	<b>Councilperson Melendez</b>	<b><u>Absent</u></b>
	<b>Supervisor Wagner</b>	<b><u>Yes</u></b>		

**RESOLUTION 19-129 A Resolution of the Town Council for the enactment of Local Law No. 3 of 2019 amending the 89 Letchworth Street Commercial Planned Development District**

**WHEREAS, All Media 1, LLC filed an application on June 26, 2019 to amend the existing 89 Letchworth Street Planned Development District (“PDD”) to construct a 3,477± square foot addition to the existing one-story masonry building – currently used as a mixed-use office building – to house two recording studios, a storage room and a break room, per the Site Plan dated June 25, 2019 and Floor Plan Section and Elevations dated May 31, 2019 from Michael J. Palmieri, Architect; and**

**WHEREAS, the PDD amendment application was and was referred to the Town of Owasco Planning Board for review and recommendations, which was transmitted to the town council on July 11<sup>th</sup>**

**WHEREAS, the application was referred to the Cayuga County Planning Department pursuant**

to General Municipal Law (“GML”) Section 239, and the Town received a response from the Cayuga County Planning Council dated July 18, 2019 setting forth its GML 239-1, m & n Review Committee Referral Report Form Final Determination stating that the Committee “determines that the action appears to have no intermunicipal concerns and to be of local concern only”; and

**WHEREAS**, by Resolution 19-116 dated July 11, 2019, the Town Council scheduled a public hearing for the proposed PDD amendment to occur on August 8, 2019; and

**WHEREAS**, a Notice of Public Hearing with respect to the proposed PDD amendment was duly published in The Citizen, the official Town newspaper and a newspaper circulated in the Town of Owasco on July 27, 2019 and proof of such publication has been filed with the Town Clerk; and

**WHEREAS**, the Notice of Public Hearing with respect to the proposed PDD amendment was duly posted on the sign Council of the Owasco Town Hall; and

**WHEREAS**, the Owasco Planning Board reviewed the amendment application during its regular meeting on July 10, 2019, and on July 10, 2019 the Owasco Planning Board re-referred the project to the Owasco Town Council.”; and without any specific recommendations; and

**WHEREAS**, a Public Hearing upon said proposed PDD amendment was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on August 8, 2019, pursuant to such Notice, and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed PDD amendment; and

**WHEREAS**, by Resolution 19-128 dated August 8, 2019, the Town Council closed the Public Hearing; and

**WHEREAS**, in the course of open discussion about the merits of the proposed amendment, the Applicant proposed to withdraw from the PDD an approximately 1,760 square foot garage that was approved in 2015 but never constructed, as a mitigative measure to reduce impervious coverage, and the Town Council accepted the Applicant’s proposal as part of the PDD amendment; and

**WHEREAS**, the Town Council has carefully considered the proposed **89 Letchworth Street Planned Development District Amendment** application, and after due deliberation, finds the proposed PDD amendment is consistent with Article III of the Planned Development District Law in the Owasco Zoning Code, and it is in the best interests of the Town of Owasco to adopt said PDD amendment as Local Law No. **3 of 2019**;

**NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY**

**RESOLVED**, that the Town Council approves the Site Plan dated June 25, 2019 and Floor Plan Section and Elevations dated May 31, 2019 from Michael J. Palmieri, Architect for the proposed PDD amendment; plus the Applicant’s withdrawal from the prior approved PDD of an approximately 1,760 square foot garage that was approved in 2015 but never constructed;

**FURTHER RESOLVED**, that the Town Council hereby approves and enacts Local Law No. 3 of 2019 amending the **89 Letchworth Street Planned Development District**, with provisions of the Local Law set forth below; and it is

**FURTHER RESOLVED**, the Applicant is referred to the Town Building and Codes Department to apply for and obtain all permits necessary to complete the above-described construction, in strict conformance with the Site Plan, Floor Plan Section and Elevations as submitted; and it is

**FURTHER RESOLVED**,

**Motion by Councilperson Knaul; Second Councilperson Gucciardi,**

<b>Roll call vote:</b>	<b>Councilperson Knaul</b>	<b><u>Yes</u></b>	<b>Councilperson Gucciardi</b>	<b><u>Yes</u></b>
	<b>Councilperson Kerstetter</b>	<b><u>Yes</u></b>	<b>Councilperson Melendez</b>	<b><u>Absent</u></b>
	<b>Supervisor Wagner</b>	<b><u>Yes</u></b>		

**ATTACHMENT**

**TOWN OF OWASCO  
LOCAL LAW NO. **3** OF 2019**

**SECTION 1  
STATUTORY AUTHORIZATION AND PURPOSE**

Section 1.1 *Title.* This Local Law shall be known as a “Local Law Amending the Town of Owasco Zoning Law and Map and Amending the 89 Letchworth Street Commercial Planning Development District.”

Section 1.2 *Legislative findings, intent and purpose.* It is the purpose of this Local Law to promote the public health, safety and welfare of the citizens of the Town of Owasco (the “Town”). The Town Council is permitted to establish zoning districts known as Planned Development Districts (“PDD”) to provide flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. The Town Council hereby finds and determines that: the application dated June 26, 2019 (“Application”) and submitted by All Media 1, LLC, owner of all that tract or parcel of land identified as 89 Letchworth Street in the Town of Owasco, New York, and designated as tax map number 123.11-1-70 and containing approximately 2.8 acres (the “Premises”), has undergone the applicable process and meets the requirements for a PDD as set forth in Section 150-3 of the Town Zoning Law; and the Application provides for construction of a 3,477± square foot addition to the existing one-story masonry building – currently used as a mixed-use office building – to house two recording studios, a storage room and a break room, per the Site Plan dated June 25, 2019 and Floor Plan Section and Elevations dated May 31, 2019 from Michael J. Palmieri, Architect. And Applicant further agrees to withdraw from the existing PDD an approximately 1,760 square foot garage that was approved in 2015 but never constructed.

Section 1.3 *Statutory Authorization.* This Local Law has been adopted pursuant to and in conformity with Town Law § 261 *et seq.*, Subparagraphs (a)(12) and (d)(3) of the Municipal Home Rule Law § 10(1)(iii), Municipal Home Rule Law § 22, General Municipal Law Article 12-B and Owasco Town Code Section 150, it being the intent of the Town Council to supersede any and all contrary or inconsistent State Laws.

**SECTION 2  
AMENDMENT OF ZONING LAW**

Section 2.1 *Zoning Change.* The current zoning classification of the Premises is a Commercial PDD as that term is defined in the Town of Owasco Zoning Law. The PDD shall be operated in accordance with the terms of Local Law No. 1 of 2015 (creating the PDD) and Local Law No. 3 of 2015 (amending the PDD), which are expressly incorporated herein by reference and specifically for the following permitted uses: Mixed Use Office Building containing Office, Recording Studio Space contained entirely within the structure(s) on the premises, light commercial storage/warehousing space and two single-occupancy ancillary residential spaces. The PDD is being further amended to allow construction of a 3,477± square foot addition to the existing one-story masonry building – currently used as a mixed-use office building – to house two recording studios, a storage room and a break room, consistent with the Application and in furtherance of the existing permitted uses on the Premises. The PDD is also being amended to withdraw an approximately 1,760 square foot garage that was approved in 2015 but never constructed.

No uses other than those expressly permitted by the PDD legislation (as may be amended from time to time) may occur on the Premises.

### **SECTION 3 MISCELLANEOUS**

Section 3.1 *Separability.* If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town of Owasco, by its Town Council, hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 3.2 *Headings.* Section headings are used only for convenience and have no meaning or effect.

Section 3.3 *Interpretation.* In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

Section 3.4 *Effective Date.* This Local Law shall become effective upon the filing of same with the Secretary of State.

#### **RESOLUTION 19-130 Request from Cheri & Charles Stebbins for refund on unused building permit in the amount of \$480.00**

**Motion by Councilperson Knaul; Second Councilperson Gucciardi,**

<b>Roll call vote:</b>	<b>Councilperson Knaul</b>	<b><u>Yes</u></b>	<b>Councilperson Gucciardi</b>	<b><u>Yes</u></b>
	<b>Councilperson Kerstetter</b>	<b><u>Yes</u></b>	<b>Councilperson Melendez</b>	<b><u>Absent</u></b>
	<b>Supervisor Wagner</b>	<b><u>Yes</u></b>		

#### **RESOLUTION 19-131 To enter into an Agreement with the County of Cayuga for appraisal services and assessment purposes for the Town subject to permissive referendum pursuant to RPTL Section 1537.**

**Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi**

<b>Roll call vote:</b>	<b>Councilperson Knaul</b>	<b><u>Yes</u></b>	<b>Councilperson Gucciardi</b>	<b><u>Yes</u></b>
	<b>Councilperson Kerstetter</b>	<b><u>Yes</u></b>	<b>Councilperson Melendez</b>	<b><u>Absent</u></b>
	<b>Supervisor Wagner</b>	<b><u>Yes</u></b>		

#### **RESOLUTION 19-132 to authorize Supervisor to sign contract with Mike H. Long to develop a 5 year Capital Improvement Program for the Town of Owasco. Not to exceed \$1000.00 this year.**

Motion by Councilperson Gucciardi;    Second Councilperson Knaul

Roll call vote: Councilperson Knaul    Yes    Councilperson Gucciardi Yes  
                         Councilperson Kerstetter Yes    Councilperson Melendez Absent  
                         Supervisor Wagner    Yes

RESOLUTION 19-133to approve suggested budget modificatons for August 2019.

Budget Modifications Recommendations			
		After Closing:	July                      2019
Notes	Acct #	Account Description	( - ) Debit                      ( + ) Credit
	A1220.403	Supervisor - Training	\$ 750.00
	A1620.205	Buildings - Furniture	\$ 2,500.00
	A1620.230	Buildings - Repair	\$ 500.00
	A5182.400	Street Lighting - Contractual	\$ 7,962.50
	<i>A599</i>	<i>Appropriated Fund Balance</i>	
	A1220.140	Supervisor - Deputy Supervisor	\$ 1,500.00
	A5010.130	Supt. of Highways - Clerk	\$ 2.50
	A7140.130	Playground Maintenance	\$ 1,755.00
	A7140.132	Playgrounds - ADA Playground Build	\$ 8,305.00
	A7140.430	Playgrounds - Improvements & Maint	\$ 150.00
	Totals:		\$ 11,712.50                      \$ 11,712.50

		( - )	( + )
Acct #	Account Description	Debit	Credit
DA5110.110	General Repairs - Personnel	\$ 600.00	
<i>DA-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>	
DA5140.110	Brush Pickup - Personnel		\$ 600.00
Totals:		\$ 600.00	\$ 600.00

		( - )	( + )
Acct #	Account Description	Debit	Credit



SS1-8120.200	Sewage Collection - Equipment	\$ 90.00	
<i>SS1-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>	
SS1-1420.421	Legal - Special Projects		\$ 90.00
<b>Totals:</b>		<b>\$ 90.00</b>	<b>\$ 90.00</b>

Acct #	Account Description	( - ) Debit	( + ) Credit
SS2-8120.459	Sewage Collection - Grinder Pumps Repair	\$ 22.00	
<i>SS2-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>	
SS2-1420.421	Legal - Special Projects		\$ 22.00
<b>Totals:</b>		<b>\$ 22.00</b>	<b>\$ 22.00</b>

Acct #	Account Description	( - ) Debit	( + ) Credit
SS3-8120.110	Sewage Collection - Personnel	\$ 750.00	
SS3-8120.200	Sewage Collection - Equipment	\$ 250.00	
SS3-8120.411	Sewage Collection - Energy Costs	\$ 68.00	
SS3-8120.458	Sewage Collection - Repair/Cleaning	\$ 250.00	
<i>SS3-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>	
SS3-1420.421	Legal - Special Projects		\$ 16.00
SS3-8110.400	Sewer Admin - Contractual		\$ 2.00
SS3-8120.410	Sewage Collection - Misc		\$ 1,300.00
<b>Totals:</b>		<b>\$ 1,318.00</b>	<b>\$ 1,318.00</b>

Acct #	Account Description	( - ) Debit	( + ) Credit
SW8310.200	Admin - Equipment	\$ 302.00	
<i>SW-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>	
SW1420.421	Legal - Special Projects		\$ 127.00
SW8310.403	Water Admin - Water Shed Inspector		\$ 50.00
SW8310.405	Admin - Field Contractual		\$ 125.00

Totals:		\$ 302.00	\$ 302.00

Motion by: Councilperson Gucciardi. Second Councilperson Kerstetter

Roll call vote: Councilperson Knaul Yes Councilperson Gucciardi Yes  
Councilperson Kerstetter Yes Councilperson Melendez Absent  
Supervisor Wagner Yes

**RESOLUTION 19-134 AUDIT AND PAYMENT OF CLAIMS: authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts, (Water and Sewer Districts), Capital Project and Reserve Fund claims, and ratifying the payment of the prepaid claims as authorized by resolution 16-006 adopted January 4, 2016, all in accordance with the attached abstract of claims.**

**ABSTRACT #08 2019 Vouchers #630-712 in the amount of \$ 288,886.74  
Trust & Agency Voucher # 5065-5073 in the amount of \$27,718.65  
for a grand total of \$316,605.39**

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote: Councilperson Knaul Yes Councilperson Gucciardi Yes  
Councilperson Kerstetter Abstain Councilperson Melendez Absent  
Supervisor Wagner Yes

**ADJOURNMENT:**  
**RESOLUTION 19-135 to adjourn the meeting:**

Motion by: Councilperson Kerstetter. Second Councilperson Gucciardi

Roll call vote: Councilperson Knaul Yes Councilperson Gucciardi Yes  
Councilperson Kerstetter Yes Councilperson Melendez Absent  
Supervisor Wagner Yes

**Meeting adjourned at 5:02 PM**

Respectfully Submitted,  
Tammy M. Flaherty Town Clerk