

**A Special Town Board Meeting of the Town of Owasco was held on June 22, 2023
At 4:00 PM in the Owasco Town Hall with the following members present:**

**PRESENT: Supervisor Edward Wagner
Councilperson Fred Cornelius
Councilperson Gucciardi
Councilperson, Jeremy VeVone
Councilperson Mike Vitale**

ABSENT: Councilmen Cornelius in at 4:11PM

OTHERS PRESENT: Riccardo Galbato, Tom Blair

CALL TO ORDER: 4:03pm

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 23-081 approval of Town Board Agenda for June 22, 2023

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Absent</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 23-082 to authorize the Town Supervisor to sign the Agreement between the Town of Owasco and Barton & Loguidice, D.P.C for the Town of Owasco SD 1 I/I Reduction Project dated May 11, 2023.

Motion by Councilor Vitale; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius <u>Absent</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

PUBLIC PARTICIPATION:

NEW BUSINESS:

OLD BUSINESS:

COMMUNICATIONS

RESOLUTION 23-083 to open the Public Hearing LL#2 to amend Zoning Code

Motion by Councilor Gucciardi; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Absent Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes**

RESOLUTION 23-084 to close the Public Hearing LL#2 to amend Zoning Code.

Motion by: Councilor VeVone. Second Councilor Gucciardi

**Roll call vote: Councilor Cornelius Absent Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes**

**RESOLUTION 23-085 TOWN OF OWASCO TOWN COUNCIL RESOLUTION
ENACTING PROPOSED LOCAL LAW #2 OF 2023 ENTITLED
“AMENDMENTS TO THE ZONING CODE OF THE TOWN OF OWASCO
REGARDING SOLAR ENERGY SYSTEMS AND
SOLAR ENERGY SYSTEM OVERLAY DISTRICTS”**

WHEREAS, the Town Council of the Town of Owasco (“Town Council”) recognizes that the development of renewable energy sources, and in particular facilities for converting solar energy to electricity, is increasing at a record pace within the State; and

WHEREAS, the Town Council further recognizes that such a fast-growing industry raises special concerns for municipalities including, among other things, zoning, land use and environmental issues related to siting solar projects, developing local laws regulating solar projects, specific issues related to residential and utility-scale solar projects, as well as neighboring landowner considerations; and

WHEREAS, after careful research and review of best practices utilized in neighboring communities and the land use development tools recommended by NYSERDA, the New York State Planning Federation and other resources, the Town Council finds that it is necessary and prudent to adopt updated land use regulations for the development, construction, installation, operation and maintenance of solar energy facilities within the Town that will facilitate the development of renewable energy systems based on sunlight while simultaneously minimizing adverse impacts on neighboring properties; protecting the public health, safety, and welfare of the residents and visitors to the Town; and preserving the rural and agrarian character of the Town;

WHEREAS, the Town Council has caused there to be prepared LL#2 of 2023 entitled “Amendments to the Zoning Code of the Town of Owasco Regarding Solar Energy Overlay Districts” and the same was referred to the Cayuga County Department of Planning and Economic Development for review and comment pursuant to General Municipal §239(l-m), which resulted in the issuance of a Final Determination with comments dated April 20, 2023, determining that that the proposed local law appears to have no intermunicipal concerns and to be of local concern only.

WHEREAS, subsequent to that referral and determination, substantive changes were made to draft LL#2 of 2023, resulting in a second referral to the Cayuga County Department of Planning and Economic Development for review and comment pursuant to General Municipal §239(l-m), which resulted in the issuance of a Final Determination with comments dated June 15, 2023, determining that that the proposed local law appears to have no intermunicipal concerns and to be of local concern only; and

WHEREAS, this action involves the adoption of changes in the allowable uses within a zoning district, affecting 25 or more acres of the district, and thus constitutes a Type I action

pursuant to 6 NYCRR §617.3(b)(2) of the implementing regulations under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, during a duly convened meeting on May 11, 2023, the Town Council deemed itself to be Lead Agency pursuant to SEQRA and subsequently on June 22, 2023 completed Parts II and III of the SEQRA Short Environmental Assessment Form and rendered a decision on its Determination of Significance after taking a hard look at all potential environmental issues; and

WHEREAS, at its meeting on June 22, 2023, the Town Council, as lead agency, conducted a coordinated review of the proposed Action under SEQRA and after thorough and careful review, determined that the action is not anticipated to create any significant impacts and therefore issued a “Negative Declaration”; and

WHEREAS, the Town Clerk duly caused a notice of the public hearing regarding this matter to be published at least five (5) days before such public hearing in accordance with Municipal Home Rule Law; and

WHEREAS, a properly noticed and convened public hearing was opened by the Town Council on proposed LL #2 of 2023 on May 25, 2023, was continued on June 8, 2023, and was continued and closed on June 22, 2023, and proof of publication of notice was submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard; and

WHEREAS, said local law, in its final form, has been in the possession of the members of the Town Council in the manner and duration required by Section 20 of the Municipal Home Rule Law of the State of New York:

NOW, THEREFORE BE IT RESOLVED, that:

1. The foregoing recitals are incorporated herein at length.
1. The Town Council hereby determines that LL#2 of 2023 will not have a significant adverse impact on the environment such that the issuance of a Negative Declaration is appropriate and justified.
2. The Town Council finds and determines that it has properly noticed and held a public hearing on the proposed LL#2 of 2023 on May 25, 2023, continued on June 8, 2023, and continued and closed on June 22, 2023, and that sufficient consideration has been given to all comments and written submission (if any) received during the public hearing stage.
3. Proposed LL#2 of 2023, in its final form, has been in the possession of the members of the Town Council in the manner and duration required by Section 20 of the Municipal Home Rule Law of the State of New York prior to adoption; and
4. The Cayuga County Planning Board undertook a review of the proposed LL#2 of 2023 pursuant to New York State General Municipal Law §239(l-m) and, via Decisions dated April 20, 2023, and June 15, 2023, determined that it appears to have no intermunicipal concerns and to be of local concern only; and
5. Proposed LL#2 of 2023, set forth in its entirety as attached hereto, as so designated above **is hereby enacted**; and
6. Waiving any and all defects and informalities in the adoption thereof, LL#2 of 2023 shall take effect immediately upon filing with the Secretary of State; and
7. The Town’s counsel is hereby authorized and directed to file a copy of said LL#2 of 2023 with the Town Clerk and Secretary of State.

The question of the foregoing Resolution was duly put to a vote and upon roll call was as follows:

Motion by Councilor Vitale; Second Councilor VeVone

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes**

Councilmen Cornelius arrived 4:11PM

RESOLUTION 23-086 to open the Public Hearing LL#3 to amend Special Use Permits.

Motion by Councilor Gucciardi; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes**

RESOLUTION 23-087 to close the Public Hearing LL#3 to amend Sprecial Use Permits.

Motion by Councilor Gucciardi; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes**

**RESOLUTION 23-088 TOWN OF OWASCO TOWN COUNCIL RESOLUTION
ENACTING LOCAL LAW #3 OF 2023 ENTITLED
“A LOCAL LAW AMENDING ARTICLES IV, X AND XA OF CHAPTER 150 OF THE
TOWN OF OWASCO TO CONFER JURISDICTION OVER APPLICATIONS OF
SPECIAL USE PERMITS UPON THE TOWN PLANNING BOARD”**

WHEREAS, at a regularly scheduled meeting on May 11, 2023, the Town Council of the Town of Owasco (“Town Council”) introduced LL#2 of 2023 entitled “Amendments to the Zoning Code of the Town of Owasco Regarding Solar Energy Systems and Solar Energy System Overlay Districts” (“LL#2), in which the authority to review, approve or deny special use permits is delegated to the Town of Owasco Planning Board; and

WHEREAS, certain other provisions of the Zoning Code contradict the contents of LL#2 by delegating the authority to review, approve or deny special use permits to the Zoning Board of Appeals thus, the Town Council has caused there to be prepared LL#3 of 2023 entitled “A Local Law Amending Articles IV, X and XA of Chapter 150 of the Town of Owasco to Confer Jurisdiction Over Applications of Special Use Permits Upon the Town Planning Board” (“LL#3 of 2023”) and the same was referred to the Cayuga County Department of Planning and Economic Development for review and comment pursuant to General Municipal §239(1-m), which resulted in the issuance of a Final Determination with comments dated June 15, 2023, determining that that the proposed local law appears to have no intermunicipal concerns and to be of local concern only; and

WHEREAS, this proposed local law is not an “action” reasonably anticipated to “affect the environment” pursuant to 6 NYCRR §617.2 of the New York State Environmental Quality Review Act (“SEQRA”), and thus is exempt from environmental review thereunder; and

WHEREAS, the Town Clerk duly caused a notice of the public hearing regarding this matter to be published at least five (5) days before such public hearing in accordance with Municipal Home Rule Law; and

WHEREAS, a properly noticed and convened public hearing was opened by the Town Council on proposed LL#3 of 2023 on May 25, 2023, continued on June 8, 2023, and continued again and closed on June 22, 2023, and proof of publication of notice was submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard; and

WHEREAS, said local law, in its final form, has been in the possession of the members of the Town Council in the manner and duration required by Section 20 of the Municipal Home Rule Law of the State of New York:

NOW, THEREFORE BE IT RESOLVED, that:

8. The foregoing recitals are incorporated herein at length.
9. The Town Council hereby finds and determines that the within action is not an “action” reasonably anticipated to “affect the environment” pursuant to 6 NYCRR §617.2 of the New York State Environmental Quality Review Act (“SEQRA”), and thus is exempt from environmental review thereunder.
10. The Town Council finds and determines that it has properly noticed and opened a public hearing on the proposed LL#3 of 2023 on May 25, 2023, which was continued on June 8, 2023, and was continued and closed on June 22, 2023, and that sufficient consideration has been given to all comments and written submission (if any) received during the public hearing stage.
11. Proposed LL#3 of 2023, in its final form, has been in the possession of the members of the Town Council in the manner and duration required by Section 20 of the Municipal Home Rule Law of the State of New York prior to adoption; and
12. The Cayuga County Planning Board undertook a review of the proposed LL#3 of 2023 pursuant to New York State General Municipal Law §239(1-m) and, via Decision dated June 15, 2023, determined that it appears to have no intermunicipal concerns and to be of local concern only; and
13. Proposed LL#3 of 2023, set forth in its entirety as attached hereto, as so designated above **is hereby enacted**; and
14. Waiving any and all defects and informalities in the adoption thereof, LL#3 of 2023 shall take effect immediately upon filing with the Secretary of State; and
15. The Town’s counsel is hereby authorized and directed to file a copy of said LL#3 of 2023 with the Town Clerk and Secretary of State.

The question of the foregoing Resolution was duly put to a vote and upon roll call was as follows:

Motion by Councilor Cornelius; Second Councilor Gucciardi

Roll call vote: Councilor Cornelius	<u>Yes</u>	Councilor Gucciardi	<u>Yes</u>
Councilor VeVone	<u>Yes</u>	Councilor Vitale	<u>Yes</u>
Supervisor Wagner	<u>Yes</u>		

RESOLUTION 22-089 to authorize the Supervisor Edward Wagner to sign a Letter of Intent to Purchase the land at Lake View Golf & Country Club after the sale to Pleasant Roland has been completed. The town will purchase the said land for \$900,000 contingent on the town receives matching grants for the purchase. With the same terms/stipulations as previously discussed.

Motion by Councilor Cornelius; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius	<u>Yes</u>	Councilor Gucciardi	<u>Yes</u>
	Councilor VeVone	<u>Yes</u>	Councilor Vitale	<u>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

ADJOURNMENT:

RESOLUTION 23-090 to adjourn the meeting:

Motion by Councilor Cornelius; Second Councilor VeVone

Roll call vote:	Councilor Cornelius	<u>Yes</u>	Councilor Gucciardi	<u>Yes</u>
	Councilor VeVone	<u>Yes</u>	Councilor Vitale	<u>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

MEETING ADJOURNED at 4:22PM

Respectfully Submitted,

Tammy M. Flaherty Town Clerk