

TOWN BOARD MEETING MINUTES

June 11, 2015

Town Board Meeting of the Town of Owasco was held on June 17, 2015, 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
Councilperson, Michael Aldrich

OTHERS PRESENT John & Theresa Smith, Colleen Barth, Laurie Kaiser, Bob Eggleston, Francis Guariglia, Helen & Bernard Oyer, Jim Festa, Laurel Auchampaugh, Nancy Taylor, Bob Bruno, Gary Collella, Andy Leja, Chris Lawton & Matt Zarbo – B & L.

CALL TO ORDER: 4:00 PM

PLEDGE OF ALLEGIANCE:

Resolution 15-119 approval of Town Board Agenda for June 11, 2015.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

APPROVAL OF MINUTES:

Resolution 15-120 approval of Town Board Minutes for May 27, 2015.

Motion by Councilperson Kerstetter; Second Councilperson Aldrich

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

PUBLIC PARTICIPATION: Nancy Tylor would like to thank all those working on Sewer District #3.

COMMUNICATIONS: Request from Owasco Fire Department to use 6 Bristol Ave for training purposes, (non- fire training).

All approved after the Asbestos abatement.

Received several thank you notes and calls regarding the Veterans Memorial Park Dedication.

OLD BUSINESS.

Resolution 15-121 – Completion of the Tom Thumb Drive Inn SEQRA Part #2.

Andy Leja explained the SEQRA process and began the questions for Part 2 with the board members. The Town Board Members completed the SEQRA with a Negative Declaration finding.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

**Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Yes
Councilperson Knaul Yes Councilperson Kerstetter Yes
Supervisor Wagner Yes**

RESOLUTION 15-122 approval of SEQRA determination for Tom Thumb Drive Inn submitted by Galbato Realty, Inc. Commercial Planned Development District

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi

**Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Yes
Councilperson Knaul Yes Councilperson Kerstetter Yes
Supervisor Wagner Yes**

RESOLUTION 15-123 A Resolution of the Town Board for the enactment of Local Law No. 2 of 2015 establishing the Tom Thumb Drive-In Planned Development District

WHEREAS, Galbato Realty, Inc. filed an application on January 8, 2015 to establish the Tom Thumb Drive-In Planned Development District (“PDD”) to contain a Restaurant, Dairy Bar and Miniature Golf Course located at 6129 and 6143 East Lake Road; and

WHEREAS, the PDD application was introduced at the Town Board Meeting on January 8, 2015 and was referred to the Town of Owasco Planning Board for review and recommendations pursuant to the Town Code; and

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 Board dated March 3, 2015 setting forth its GML 239-l, m & n Review Committee Referral Report Form Final Determination stating that the Committee “recommends approving the proposed action without change, but with comments”; and

WHEREAS, by Resolution 15-082 dated April 9, 2015, the Town Board scheduled a public hearing for the proposed Tom Thumb Drive-In PDD to occur on April 22, 2015; and

WHEREAS, a Notice of Public Hearing with respect to the proposed PDD was duly published in The Citizen, the official Town newspaper and a newspaper circulated in the Town of Owasco on April 12, 2015, 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 was duly posted on the sign board of the Owasco Town Hall; and

WHEREAS, the Owasco Planning Board reviewed the application during its regular meetings on January 7, 2015, February 11, 2015, March 4, 2015 and on April 1, 2015, and on April 1, 2015 the Owasco Planning Board adopted a motion stating “The Planning Board passed the Tom Thumb Mini Golf PDD to the Owasco Town Board for further action with the following concern to be addressed and looked at: Merging of the two parcels and for the Town Board to work with the DOT for traffic flow patterns.”; and

WHEREAS, a Public Hearing upon said proposed PDD was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on April 22, 2015, 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; and

WHEREAS, by Resolution 15-093 dated April 22, 2015, the Town Board closed the Public Hearing; and

WHEREAS, the Applicant has provided the Town with a copy of a February 7, 2008 letter from Richard J. Brazell, P.E. of the New York State Department of Environmental Conservation, indicating that no further environmental remediation activities are required for that southern portion of the PDD formerly known as Betty’s Lakeview Store; and

WHEREAS, pursuant to a Town Board Resolution passed on May 27, 2015, Supervisor Wagner sent a letter dated June 3, 2015 to Elizabeth Parmley, P.E. of the New York State Department of State stating that:

“The Town Board discussed the guiderail issue at length, and at the end of the discussion a resolution was passed authorizing me as the Town Supervisor to contact you and request that the existing guiderails be allowed to stay in place. They do offer some degree of barrier and protection for the many small children that frequent the site, and they also preclude the parking of larger trucks and tractor trailers along the shoulder of the highway, which severely impairs the visibility of customers exiting the parking areas”; and

WHEREAS, the Town Board has reviewed the most recent Proposed Site Plan of Timothy C. Buhl, P.E. dated May 25, 2015; and

WHEREAS, on June 11, 2015, following due consideration and deliberation, the Town Board adopted a Resolution issuing a Negative Declaration for the proposed PDD pursuant to the State Environmental Quality Review Act; and

WHEREAS, the Town Board has carefully considered the proposed **Tom Thumb Drive-In Planned Development District** application, and after due deliberation, finds the proposed PDD 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 as Local Law No. 2 of 2015;

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

RESOLVED, that the Town Board approves the Site Plan Map of Timothy C. Buhl, P.E. dated May 25, 2015, with the understanding and acknowledgement that parking and driveway improvements along Route 38A on said map may be modified based on final approval by the New York State Department of Transportation, which agency has exclusive jurisdiction over Route 38A traffic matters; and it is

FURTHER RESOLVED, that the Town Board hereby approves and enacts Local Law No. 2 of 2015 establishing the **Tom Thumb Drive-In Planned Development District**, which includes Restaurant, Dairy Bar, storage and Miniature Golf Course uses, with provisions of the Local Law set forth below; and it is

FURTHER RESOLVED, as to the store and barn located at 6129 East Lake Road:

- 1) The Applicant is required to make the building and barn in the southern portion of the PDD (formerly housing Betty’s Lakeview Store) structurally sound and aesthetically pleasing consistent with the surrounding neighborhood. This work will involve demolition of all or part of the barn structure as determined under applicable building code standards, in which case the Applicant will obtain all required permits and comply with all applicable laws governing health and safety during demolition activities.
- 2) In advance of any work, the Applicant shall present a plan for all planned repairs/renovations/demolition of the Betty’s Lakeview structure and property to the Owasco Planning Board for Board approval, providing such information as the Board deems necessary to assure the work will comport with the neighborhood character and aesthetics and meet all applicable code provisions.
- 3) The Applicant may re-build all or a portion of the Betty’s Lakeview structure within the same footprint, provided that such construction be approved by the Planning Board, be permitted by the Codes Office and be in accordance with all applicable code provisions, including setback distances. Because the Town Board retains jurisdiction over all improvements to property within the PDD following its establishment, a copy of any applications for variances for property within the PDD must be submitted to the Town Board concurrently with submittal of the application to the Zoning Board of Appeals.
- 4) The Applicant must complete repair/renovation/demolition activities for the Betty’s Lakeview structure to the Town Board’s satisfaction before opening the miniature golf use.

TOWN OF OWASCO

LOCAL LAW NO. 2 OF 2015

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 Creating the **Tom Thumb Drive-In Planning Development District** submitted by **Galbato Realty, Inc.**

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 Board is permitted to establish zoning districts known as Planned Development Districts (“PDDs”) 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 Board hereby finds and determines that the application submitted by **Galbato Realty, Inc.** owners of all that tract or parcel of land identified as **6143 and 6129 East Lake Road in the Town of Owasco, New York, and designated as tax map number 131.03-1-72 and 131.03-1-70.3 and containing approximately 2.1 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. The premises’ metes and bounds are further defined in Exhibit A to this Local Law.

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 Board to supersede any and all contrary or inconsistent State Laws.

SECTION 2

AMENDMENT OF ZONING LAW

Section 2.1 *Zoning Change.* The zoning classification of the Premises is hereby amended and reclassified to a PDD as that term is defined in the Town of Owasco Zoning Law. The PDD shall be operated in accordance with the terms of the application of **Galbato Realty, Inc.** seeking approval of the PDD, as modified by the conditions imposed by the Town Board as contained in Resolution **15- 122**. Said terms and conditions are expressly incorporated as a part of this Local Law for the uses described in the PDD application materials, specifically: **Restaurant, Dairy Bair, storage and Miniature Golf Course**. The zoning map of the Town of Owasco shall be and hereby is amended to reflect this change in classification.

SECTION 3

MISCELLANEOUS

Section 3.1 *Severability.* 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 Board, 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.

Exhibit A

**Metes and Bounds Description of
Tom Thumb Drive-In Planned Development District**

All that tract or parcel of land situate in the Town of Owasco, County of Cayuga, State of New York and being the lands of Galbato Realty, Inc., Book 553 of deeds Page 104 and Book 1487 of deeds Page 318. Said parcels are bounded and described as follows:

Beginning at the intersection of the record west line of New York State Route 38-A, aka East Lake Road with the south line of Poplar Beach, aka Fire Lane # 8.

1-Thence S 07° 30' 38” W along the west line of said East Lake Road, a distance of 333.55 feet to the lands of Colleen Barth, Book 1437 of deeds Page 341;

Thence along the lands of said Barth, the following courses:

2-N 48° 00' 22” W a distance of 58.20 feet to an angle point;

3-N 81° 33' 22” W a distance of 164.05 feet to a corner point;

4-N 07° 30' 38” E a distance of 120.00 feet to a corner point;

5-N 82° 19' 35” W a distance of 79.41 feet to a corner point;

6-N 07° 35' 26” E a distance of 280.74 feet to the aforesaid south line of Fire Lane # 8;

7-Thence S 62° 59' 34” E along said south line, a distance of 308.71 feet to the point of beginning.

Containing 2.1 acres of land. All bearings are based on Magnetic North 2013 and all distances are level.

Together with and subject to all public highway rights, rights of way and utility easements of record.

Reference is made to a survey and map prepared by Watkins Land Surveying, PLLC dated May 10, 2013.

Motion by Councilperson Knaul ; Second Councilperson Gucciardi

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

Resolution 15-124 to authorize the Town Supervisor to sign the Waiver Letter from Barclay Damon LLP dated 6.9.15 regarding the application from Crown Castle.

The Town Board approves and authorizes the Town Supervisor to sign the Waiver Letter from Barclay Damon LLP dated 6.9.15 regarding the application from Crown Castle for a Special

Permit to construct a 150’ cell tower off of Melrose Road at the property of Paul Vitale Tax Map No. 116.00-1-16.11.

Motion by Councilperson Knaul; Second Councilperson Aldrich.

**Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Yes
Councilperson Knaul Yes Councilperson Kerstetter Yes
Supervisor Wagner Yes**

Resolution 15-125 accept and approve and authorize Supervisor Wagner to sign contract with Finger Lakes Exteriors for reroofing at water treatment plant for the amount of \$25,180.00.

WHEREAS: the town officially advertised Request for Proposals RFP to install new roof located at 6346 East Lake Rd.

WHEREAS: two sealed bids were received and opened at 3:00pm on May 27, 2015.

WHEREAS: J & B Installations was the second bidder at the amount of \$30,775.00.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

**Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Yes
Councilperson Knaul Yes Councilperson Kerstetter Yes
Supervisor Wagner Yes**

Town Board Meeting held June 11, 2015

Resolution 15-126

TOWN OF OWASCO TOWN BOARD

WHEREAS, the Town of Owasco (Town) owns and operates a water system to meet the water demands within the Town and surrounding areas; and

WHEREAS, various water system infrastructure is showing deficiencies and/or the infrastructure is approaching the end of its useful life; and

WHEREAS, the Town of Owasco (Town) is progressing the Owasco Water District Improvements Project (Project) to address the deficiencies in the Town water system; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the Town of Owasco Town Board to assume the role of “Lead Agency” for purposes of conducting a SEQRA/SERP review of the Project; and

WHEREAS, a Full Environmental Assessment Form (FEAF) must be completed and circulated to all Involved Agencies for purposes of establishing the Town Board as “Lead Agency” in accordance with 6NYCRR Part 617.6 for the purpose of conducting a SEQRA/SERP review of the Project; and

WHEREAS, at the direction of the Town, Barton & Loguidice, D.P.C. (B&L) has been authorized to proceed with engineering services associated with the Owasco Water District Improvements project, including assistance in compliance with the State Environmental Quality Review Act (SEQRA).

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the Supervisor of the Town of Owasco hereby is authorized to sign Part 1 of the Full Environmental Assessment Form (page 13); and it is further

RESOLVED AND DETERMINED, that the Town of Owasco Supervisor and the Town Board will circulate said Part 1 of the Full Environmental Assessment Form to the attached list of “Interested and Involved Agencies” under cover of the attached “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under the SEQRA/SERP; and it is further

RESOLVED, that the Town of Owasco Supervisor and Town Board, together with the Town of Owasco Attorney, and Barton & Loguidice, D.P.C. are hereby authorized to take all actions, serve all notices, and complete all documents in order to give full force and effect to this determination.

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

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

Resolution 15-127 Approval of the Owasco Water District Improvements Map and Plan June 15, 2015. Town of Owasco will be the lead agency for the SEQRA. The Town Board approves the Owasco Water District Improvements Map and Plan June 15, 2015 from Barton & Loquidice.

Motion by Councilperson Kerstetter; Second Councilperson Aldrich

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

Resolution 15-128 recommended budget modifications (see attached)

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

NEW BUSINESS: County Legislator Runkle- Upcoming Owasco Lake Day. Informed board a possible takeover of the county digester. Councilmen Knaul asked how or if the company would pay the county back their investment.

Resolution 15-129 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 14-011 adopted January 9, 2014, all in accordance with the attached abstract of claims.

ABSTRACT #6, 2015 Vouchers #365-431= \$334,066.40

Trust & Agency Voucher # 5041-5067= \$20,318.69

for the total amount of \$354,385.09

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

Resolution 15- 130 to adjourn the meeting:

Motion by Councilperson Kerstetter; Second Councilperson Aldrich.

**Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Yes
 Councilperson Knaul Yes Councilperson Kerstetter Yes
 Supervisor Wagner Yes**

Meeting adjourned at 5:02 P.M.