

A Town Board Meeting of the Town of Owasco was held on February 8, 2024 at 4:00 PM in the Owasco Town Hall with the following members present:

PRESENT: Supervisor Edward Wagner
Councilperson, Jeremy VeVone
Councilperson Mike Vitale

ABSENT: Councilperson Fred Dello Stritto
Councilperson Gucciardi

OTHERS PRESENT: Riccardo Galbato, Bob Bruno, Dan & Grace Labeila, Michael Farrell, Bob & Mataline Nethercott, Patty Weise, Holland & Patience Gregg, Margie Sutton, Raphael Sheg, Geneva Ikle.

CALL TO ORDER: 4.02pm

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 24-037 approval of Town Board Agenda for February 8, 2024

Motion by Councilor Vitale; Second Councilor VeVone

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

RESOLUTION 24-038 approval of Town Board Minutes for Town Board Meeting on January 11, 2024

Motion by Councilor Vitale; Second Councilor VeVone

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

PUBLIC PARTICIPATION:

NEW BUSINESS:

OLD BUSINESS:

COMMUNICATIONS: Councilmen Jeremy VeVone, who is also the Chief of the Owasco Fire Department would like to mention what a great help the town highway department was during the big windstorm last month. With the highways' help removing trees in the road the town was able to keep all roads open, town roads, state roads, & the county roads.

RESOLUTION 24-039 to re- open the Public Hearing “Local Law Amending the Town of Owasco Zoning Law and Map creating the West Lake Art Conservation Center, Inc. Planned Development District” submitted by West Lake Art Conservation Center, Inc.

Motion by Councilor Vitale; Second Councilor VeVone

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

RESOLUTION 24-040 To close the Public Hearing for Local Law Amending the Town of Owasco Zoning Law and Map creating the West Lake Art Conservation Center, Inc. Planned Development District”

Motion by Councilor Vitale; Second Councilor VeVone

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

RESOLUTION 24-041 to approve the 2024 and Future Amendments to the Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium (GTCMHIC)

WHEREAS, The Town of Owasco member of Greater Tompkins County Municipal Health Insurance Consortium (GTCMHIC), must approve any changes to the GTCMHIC Municipal Cooperative Agreement (MCA) by resolution, and

WHEREAS, GTCMHIC must amend the MCA annually when any new members are approved at the Annual Board of Directors meeting, and

WHEREAS, from time-to-time other changes are made to the MCA as necessary and when changes are made, they are reported at the Annual Meeting with membership approval, now therefore be it,

RESOLVED, until rescinded by resolution our current presiding elected official is approved to sign, without further action, any GTCMHIC MCA updates that have been advanced at the GTCMHIC Board of Directors meetings and approved by the Department of Financial Services, and

FURTHER RESOLVED, The GTCMHIC is directed to keep this resolution on file to accompany any current presiding elected official signatures to amended MCA changes.

Motion by Councilor Vitale; Second Councilor VeVone

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

RESOLUTION 24-042 to re- appoint James Festa to the Board of Assessment Review (BAR) for a term of 5 years.

Motion by Councilor Vitale; Second Councilor VeVone

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

RESOLUTION 24-043 to schedule a Public Hearing for land purchase.

Motion by Councilor Vitale; Second Councilor VeVone

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

RESOLUTION 24-044 A Resolution of the Town Board for the enactment of Local Law No. 1 of 2024 establishing the West Lake Art Conservation Center, Inc. Planned Development District

WHEREAS, West Lake Art Conservation Center, Inc. filed an application on November 9, 2023 to establish the **West Lake Art Conservation Center, Inc. Planned Development District (“PDD”)** to contain a **workshops, seminars, gathering by professionals in this field, art conservation services, educational services, climate controlled storage services, office space, retail shop and fundraising events** located at **Lot 3 only at 6642 East Lake Road**; and

WHEREAS, the PDD application was introduced at the Town Board Meeting on November 15, 2023 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 December 21, 2023 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”**; and

WHEREAS, the Town Board scheduled a public hearing for the proposed **West Lake Art Conservation Center, Inc.** PDD to occur on December 14, 2023 and January 4, 2024; 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 December 23, 2024, 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 meeting on December 6, 2023 and adopted a motion stating: **“the Planning Board had no further comments and recommend the PDD process continue to the Town Board and ask them to consider the health hazard of the swimming pool during their process of deliberations.”**; 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 December 14, 2023, January 4, 2024 and January 11, 2024 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, the Town Board has reviewed the Proposed Site Plan of King & King Architects dated October 11, 2023; and

WHEREAS, on January 3, 2024 the Owasco Planning Board forwarded to the Town Board for SEQRA Review and PDD Review; and

WHEREAS, on January 11, 2024 by **Resolution 24-30**, 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, on February 7, 2024 the Owasco Planning Board passed the following motion:

Motion: To approve the West Lake Art Conservation Minor Subdivision as submitted contingent upon a resolution between the Town Board and the owners to address the non-conforming accessory buildings on Lot 1 to come into compliance with Zoning Codes.

WHEREAS, by **Resolution 24-044** on this date, February 8, 2024, the Town Board closed the Public Hearing; and

WHEREAS, the Town Board has carefully considered the proposed **West Lake Art Conservation Center, Inc. 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. 1 of 2024;

NO, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,

RESOLVED, that the Town Board approves the Site Plan Map dated October 11, 2023 and it is

FURTHER RESOLVED, that the Town Board hereby approves and enacts Local Law No. 1 of 2024 establishing the **West Lake Art Conservation Center, Inc. Planned Development District**, located at **Lot 3 only at 6642 East Lake Road**, which includes **workshops, seminars, gathering by professionals in this field, art conservation services, art restoration and rehabilitation services, educational services, climate controlled storage services, office space, retail shop and fundraising events** uses, with provisions of the Local Law set forth below; and it is

FURTHER RESOLVED, that the Town Board makes no representations, commitment, decision or findings as it relates to Lots 1 and 2 with the exception of applicable conditions set forth below; and it is

FURTHER RESOLVED, this Resolution is specifically CONDITIONED on the following:

1. The applicant has proposed to have an easement over Lot 1. The applicant must present a Grant of Right of Way and Easement to the Town Attorney and Special Counsel for approval and then the Applicant may record said Easement before the issuance of a building permit.
2. The applicant is required to make the pool in Lot 1 in compliance with all Town Codes and the New York State Building Code, and all other local, state and federal laws before a Certificate of Occupancy can be issued. Said proposed plan is to be filed with Code Enforcement Office for review.
3. No Certificate of Occupancy can be issued until the approved Subdivision Map is recorded at the Cayuga County Clerk's Office with a certified or date stamped copy at the Owasco Town Clerk's Office.
4. The driveway/fire apparatus road from East Lake Road (State Rt. 38A) accessing the primary structure will be inspected by the applicant's design professional and Town code official to determine compliance with the New York State Building Code and the New York State Fire Code, and will be improved to comply with all local, state and federal laws.

5. A fire suppression system will be installed if required by the New York State Building Code and New York State Fire Code.
6. All Site Plans and Constructions Plans shall be reviewed and approved by the Town Engineer prior to the issuance of a building permit.
7. The actual meets and bounds of the Planned Development District for Lot 3 to be approved by Special Counsel and the Town Attorney to ensure compliance with the Town Planning Board Subdivision approval and the Town Board approval.
8. No Building Permit shall be issued until the applicant has paid for all of the Town’s legal fees and engineering fees pursuant to Owasco Town Code 92-5 and no Certificate of Occupancy shall be issued until the applicant has paid all additional Town’s legal fees and engineering fees pursuant to Owasco Code 92-5.

Need discussion on the PB resolution for the TB to address the non-conforming accessory buildings on Lot 1 to come into compliance with Zoning Codes

TOWN OF OWASCO

LOCAL LAW NO. 1 OF 2024

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 **West Lake Art Conservation Center, Inc. Planned Development District**” submitted by **West Lake Art Conservation Center, 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 **West Lake Art Conservation Center, Inc.** owners of all that tract or parcel of land identified as **6642 East Lake Road in the Town of Owasco, New York, and designated as tax map number 124.00-1-22.122 and containing approximately 213.10 acres of which only Lot #3 which is an 8.21 acre lot that contains the former golf clubhouse is in the PDD (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 for **Lot #3** 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 **West Lake Art Conservation Center, Inc.** seeking approval of the PDD, as modified by the conditions imposed by the Town Board as contained in Resolution 24-044 Said terms and conditions are expressly incorporated as Exhibit B of Local Law for the uses described in the PDD application materials, and as determined by the Town Board, specifically: **workshops, seminars, gathering by professionals in this field, art conservation services, art restoration and rehabilitation**

services, educational services, climate-controlled storage services, office space, retail shop and fundraising events uses. 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

West Lake Art Conservation Center, Inc. Planned Development District

Subdivision Lot 3

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Owasco, County of Cayuga and State of New York, being part of Lot 68, and bounded and described as follows:

Commencing at a point in the centerline of Owasco Road, said point being the southwesterly corner of lands now or formerly belonging to Krause, recorded in the Cayuga County Clerk's Office as Deed Book 1113 and Page 133, thence, N69°57'55"E a distance of 274.69 feet to an iron pipe found; thence, N30°35'26"W a distance of 433.73 feet to an iron pipe found; thence, N73°17'37"E a distance of 316.73 feet to a point; thence, N04°40'23"W a distance of 697.50 feet to a point; thence, N88°18'37"E a distance of 106.80 feet to an iron pipe found; thence, N65°19'13"E a distance of 43.37 feet to a point on the easterly line of lands now or formerly owned by May filed in the Cayuga County Clerk's Office as Deed Book 1668 and Page 343, and place of beginning;

thence, from said point of beginning, N88°01'20"¹¹E a distance of 617.12 feet to a point; thence, S04°40'23"E a distance of 500.00 feet to a point; thence, S73°17'37"W a distance of 630.28 feet to a point, said point also being thence, N67°52'07"E a distance of 154.53 feet from the southeasterly corner of said May lands; thence, N04°40'23"W a distance of 660.42 feet, to a point and place of beginning.

Containing 8.21 plus or minus acres of land

Subject to all covenants, easements, and restrictions of record.

Motion by Councilor VeVone; Second Councilor Vitale

Roll call vote: Councilor Dello Stritto Absent Councilor Gucciardi Absent
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 24- 045 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 #02 2024 Vouchers # 85 -#179 in the amount of \$1,142, 624.92
Trust & Agency Voucher # 8009-#8017 in the amount of \$24, 521.72
for a grand total of \$1,167,146.64**

Motion by Councilor VeVone; Second Councilor Vitale

Roll call vote: Councilor Dello Stritto Absent Councilor Gucciardi Absent
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 24-046 to adjourn to executive session at 5:02pm to discuss possible litigation.

Motion by Councilor VeVone; Second Councilor Vitale

Roll call vote: Councilor Dello Stritto Absent Councilor Gucciardi Absent
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 24-047 to return from executive session at 5:15pm.

ADJOURNMENT:

RESOLUTION 24-048 to adjourn the meeting:

Motion by Councilor VeVone; Second Councilor Vitale

Roll call vote: Councilor Dello Stritto Absent Councilor Gucciardi Absent
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes

Meeting adjourned at 5:16PM

Respectfully submitted,

Tammy Flaherty