

August 7, 2017

The Town Board of the Town of Onondaga met at a regular meeting at 5:00 p.m. on Monday, August 7, 2017 at Town Hall, 5020 Ball Road, Syracuse, New York.

Present:	Supervisor	Thomas P. Andino, Jr.
	Councilman	Charles Petrie
	Councilman	Donald Hamilton
	Councilwoman	Suzanne Belle
	Deputy Town Clerk	Cheryl Hammond
	Town Attorney	Kevin Gilligan
	Town Engineer	William Perrine
Excused:	Councilwoman	Mary K. Ryan

1. Discussion – Cedarvale Ridge, Section D, Subdivision Closeout

Supervisor Andino stated that he has been advised by counsel that they are still waiting for some of the documentation regarding the closeout of Cedarvale Ridge Subdivision, Section D. This will be adjourned until the next Town Board meeting.

2. Highway Superintendent’s Report

Highway Superintendent, Mr. John Wheatley was present. Mr. Wheatley reported that they are continuing with their roadwork during the dry weather. The mailer for the Fall Clean Up was mailed out the end of July. Most residents should have them by now. It’s also posted on the Town website, there are copies in all of the Town offices, and it will be included in the Our Town. Mr. Wheatley also reported that the Onondaga County bid for salt has come in at \$42.29 per ton and will be supplied by Cargill. This is good news. Last year, salt was \$48.41 per ton. This is a savings of \$6.12 per ton.

3. Parks & Recreation Report

None

4. Codes Officer’s Report

Codes Officer, Mr. Ben Vincent was present. He had nothing to report.

5. Attorney’s Report

Town Attorney, Mr. Kevin Gilligan was present. Mr. Gilligan reported that the contingencies for the closeout of Cedarvale Ridge Subdivision, Section E-A have been satisfied and all documents have been filed with the County Clerk’s Office.

6. Engineer’s Report

Town Engineer, Mr. Bill Perrine was present. Mr. Perrine gave the Board several updates. He reported that the Hallinan Meadow sanitary sewers are being installed and nearly complete. Crown Point Subdivision, Section 2 is doing earth work and digging the wet pond. This will be the location of the Parade of Homes for September 2018. Mr. Perrine also reported that JK Tobin has completed the sewer lateral for the Habitat Home for Humanity house located at 100 West Roswell Avenue. Mr. Perrine also stated that the property owner located at 4630 Broad Road is filling the back of their lot. It’s encroached on crosstown sewer district easement. They have requested that the sanitary sewer structure be raised. They are getting a price for a pipeline contractor. This will be at the expense of the property owner. Mr. Perrine also reported that the update to the GIS website is complete with July 2017 tax parcels as well as adding the new zoning layer. This update includes new zoning for the Onondaga Hill Business District as well as a complaint form.

7. Committee Reports

The following resolution was made by Councilman Petrie, who moved its adoption, and was seconded by Councilman Hamilton,

RESOLVED, that the Town Board authorize the addition of Ronald D. Metzger to the membership of the Taunton Fire Department.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Excused	-----

Supervisor Andino Voted Yes

The foregoing resolution was thereupon declared duly adopted.

Councilman Petrie also reported that he has received a complaint of speeding on Howlett Hill Road near the Howlett Hill Fire Department in the late afternoon hours, typically when people are coming home from work. He'd like the Sheriff's Department to make their presence known. Supervisor Andino stated that he will give a phone call to the Captain of the South Station.

Ms. Natalie Dardaris was present. Ms. Dardaris thanked the Town Board for appointing her as the Town Historian. She's having a lot of fun with it and meeting some great people. Ms. Dardaris came before the Town Board to introduce them to the Onondaga Hill Presbyterian Work Camp. Pastor Bob Langston came to the Town Hall a couple of weeks ago to speak with Mr. Vincent concerning this camp. Every year a group of kids and adults are sent across the country to work at these camps. The money to participate is earned by the kids themselves. A couple of years ago, they realized that there is a need in the City of Syracuse and the Town of Onondaga. All labor and materials are purchased through fund raising. They do painting, cleaning up, and replacing sheetrock. There will be 440 kids coming in from several states across the country. They are coming the last week of June 2018. The kids will be housed at the West Genesee High School. They also have a liaison that will be contacting other churches and other denominations. Currently they are looking at 65 to 70 homes but they would like to increase that number to closer to 100. It will all depend upon how this all comes together. Ms. Dardaris asked the Town Board to pass the information along to any businesses or organizations that could donate goods or services. She explained that not only are they looking for donations of materials to do the work, but they will also need food and things for workers. Pastor Bob has indicated that he would like the homes to be located no more than 1/2 hour away from the West Genesee High School. Ms. Dardaris explained that Pastor Bob will be heading up the program. She came before the Board tonight to introduce them to the program.

The following accounts were audited and approved for payment on this date August 7, 2017:

- All General Fund Accounts on Abstract 15, numbers 734 through 812 inclusive, totaling \$72,450.09.
- All Highway Fund Accounts, Abstract No. 15, numbers 274 through 309 inclusive, totaling \$183,079.86.
- All Parks Accounts on Abstract No. 15, numbers 154 through 179 inclusive, totaling \$7110.26.
- All Sewers Accounts on Abstract No. 15, numbers 79 through 87 inclusive, totaling \$2,206.73.
- All Consolidated Drainage Accounts, Abstract 13, numbers 50 through 61 inclusive, totaling \$9,430.53.
- All Trust & Agency Accounts on Abstract No. 8, numbers 37 through 46 inclusive, totaling \$29,222.11.
- All Consolidated Lighting Accounts on Abstract No. 8, number 8 inclusive, totaling \$19,665.01.
- All Water Accounts on Abstract No. 5, number 7 inclusive, totaling \$584.00.
- All Capital Accounts on Abstract No. 13, numbers 37 through 40 inclusive, totaling \$148,826.61.

8. Meeting Minutes Approvals – July 17, 2017, July 21, 2017 and July 31, 2017

The following resolution was offered by Supervisor Andino, who moved its adoption, seconded by Councilwoman Belle,

RESOLVED, that the meeting minutes of the July 17, 2017 Town Board meeting be accepted as prepared by the Town Clerk.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Excused	----
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The following resolution was offered by Councilwoman Belle, who moved its adoption, seconded by Councilman Hamilton,

RESOLVED, that the meeting minutes of the July 21, 2017 Special Town Board meeting be accepted as prepared by the Town Clerk.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Excused	----
Supervisor	Andino	Abstained	----

The foregoing resolution was thereupon declared duly adopted.

The following resolution was offered by Supervisor Andino, who moved its adoption, seconded by Councilman Petrie,

RESOLVED, that the meeting minutes of the July 31, 2017 Special Town Board meeting be accepted as prepared by the Town Clerk.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Abstained	-----
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Excused	-----
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The following resolution was offered by Supervisor Andino, who moved its adoption, seconded by Councilman Hamilton,

RESOLVED, that the Town Board move into Executive Session to discuss personnel matters with the Codes Officer with respect to positions that are currently vacant in that office.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Excused	-----
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The Town Board of the Town of Onondaga adjourned to meet in Executive Session to discuss a personnel matter with the Codes Officer at 5:25 p.m. on Monday, August 7, 2017.

The following resolution was offered by Supervisor Andino, who moved its adoption, seconded by Councilwoman Belle,

RESOLVED, that the Town Board adjourn the Executive Session and return to the Regular Town Board Meeting.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Excused	-----
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The Town Board returned from Executive Session at 6:00 p.m. No actions were taken as a result of the Executive Session.

9. Public Hearing – Local Law E-2017 – Arterial and Collector Setback Requirements

Supervisor Andino introduced the proposed local law regarding the setback requirements for the arterial and collector streets, roads and highways in the Town of Onondaga. The Supervisor placed on file the Proof of Publication and Notice of Posting. The Supervisor declared the Public Hearing to be open.

Ms. Rosalind Wiltse, 3767 Underwood Way, had several questions for the Town Board regarding the proposed local law. Supervisor Andino explained that this setback requirement is for all arterial and collector roads throughout the Town, not only in the new Onondaga Hill Business District. The Supervisor indicated that this Local Law is being proposed because over the years, applications have been made regarding the setbacks throughout the town asking for relief. Supervisor Andino stated that the proposed local law was referred to the Onondaga County Planning Board. They responded with a resolution dated August 2, 2017 indicating that they have no issues with respect to this proposal and that this will have “no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.” The setback requirements will pertain to all businesses and residential applicants

regardless the intensity of the use. Ms. Wiltse stated that she is opposed to the proposed local law. It is of her opinion that this change is strictly benefiting the application for the Byrne Dairy.

There was no one else present to speak in favor of or in opposition to the proposed local law. Supervisor Andino declared the Public Hearing to be closed.

Mr. Gilligan prepared for consideration a Full Environmental Assessment Form. All parts were reviewed with the Town Board. Mr. Gilligan also explained why this local law is being considered and what the effects will be.

**TOWN OF ONONDAGA
TOWN BOARD RESOLUTION
LOCAL LAW E-2017
August 7, 2017**

The following resolution was offered by Councilwoman Belle, who moved its adoption, seconded by Councilman Hamilton, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. E-2017, "A Local Law Amending Section 285-31-C of the Code of the Town of Onondaga with regard to setback requirements in the Town of Onondaga was presented and introduced at a regular meeting of the Town Board of the Town of Onondaga held on July 17, 2017; and

WHEREAS, a public hearing was held on such proposed Local Law on the 7th day of August, 2017 by the Town Board of the Town of Onondaga and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Onondaga in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, at its July 17, 2017 meeting this Board determined that the enactment of Proposed Local Law No. E-2017 is a Type I action pursuant to SEQR and that there are no other involved agencies, and that this Board will act as lead agency for this action; and

WHEREAS, this proposed zone change was referred to the Onondaga County Planning Board, in accordance with Section 239 of the New York General Municipal Law and that Board, by resolution dated August 2, 2017 determined that there will be no significant adverse inter-community or County-wide impacts and that the Town Board may proceed to act upon this legislation on a local basis; and

WHEREAS, it is in the public interest to enact said Proposed Local Law E of 2017.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that this Board hereby renders a negative declaration and determines that there will be no significant adverse environmental impacts resulting from enactment of this local law; and it is further

RESOLVED AND DETERMINED, that this Board advances the following findings and reasons in support of this action:

Section 285-31 of the Town of Onondaga Code imposes a 140' setback for arterial and a 100' setback for collectors (as defined in Section 285-31). The arterials and collectors are identified in this Section.

Over the years since these requirements were advanced by the 1988 Master Plan and implementing code changes, virtually every application for area variance to these setback requirements has been granted by the ZBA, upon adequate proof of entitlement. In many cases, the applicant was surrounded by non-conforming setbacks on neighboring properties and it did not make sense to enforce the setback for the one property when none of its neighbors complied. Applicants have complained that application of the overlay requirements, would impact the density or magnitude of their proposed building or structure and that the application of such requirements would result in a greater setback being imposed upon their (application) property than on other adjoining or nearby properties. A high percentage of relief resulted from this, effectively nullifying the intent of this section (see Addendum to Supplement of 2007 Master Plan, dated September 3, 2015). "This history of granting relief in general and a significant level of dimensional relief from the application of this section as it exists suggest that either this section be repealed as ineffective or adjustments be made to achieve the benefit that these requirements were intended to achieve." (9/3/15 Addendum).

This proposed legislation provides expansion space for additional lanes of traffic, drainage and shoulder improvements as well as additional setback buffers while providing relief to the original setback requirements. In other words, we can achieve the goals identified in 1988 without the imposition of such large setback requirements.

Page 9 of the 2015 Supplement to the 2007 Master Plan calls out these setbacks for adjustment, pointing out that examination of the 1988 requirements has led to some practical problems. After

examining several examples of how the setback requirements work and directing attention to setbacks based upon “centerline” of road vs. road right-of-way, the Master Plan Committee recommended these proposed adjustments to Section 285-31. In some instances, adherence to the required setback would severely limit or eliminate various lots for use, without zoning relief. The Master Plan Committee found that the additional setback requirements applicable to arterial and collector streets included in Section 285-31 created “unintended consequences in terms of the usability of many existing otherwise compliant lot sizes”. The Committee also took notice of the number of applications submitted to the ZBA “for relief from the dimensional requirements imposed solely by the arterial and collector setback requirements in all areas of the Town”. The Committee noted that the applications most often took place “in conjunction with the expansion or renovation of existing lot improvements which could otherwise be permitted and which would comply with the zoning classification dimensional requirements absent the application of the overlay requirements.” (See Supplement at page 18).

The Committee observed that “the original goals which supported the recommendation for the additional setback requirements applicable to Arterials and Collector streets included the provision for right-of-way for future road widening and providing some buffer to lot owners from the impact of future traffic increases.” The Committee went on to advise that those remain valid planning considerations.

The Committee suggested that the “setback requirements for Arterial and Collector streets be modified to a uniform standard of an additional fifteen (15) feet of setback above any lesser setback requirement that would otherwise apply in any specific zoning district.”

The Committee found that this is a rational standard because:

a. It provides for an area to permit future roadway widening. Since most highway standards provide for land width of approximately twelve (12) feet, this would permit adequate area for the addition of a travel or turning lane.

b. This would continue to provide an additional buffer over and above the otherwise applicable setbacks in the respective zoning classifications.

c. Since lot depth is measured from the edge of the right-of-way under the Zoning Code, the proposed standard respects and conforms with various standards of right-of-way width. For example, some areas of state rights-of-way within the Town are wider than 99 feet. A uniform addition of additional setback requirements over and above the setback otherwise applicable respects the elasticity of some areas of right-of-way. There are areas within the 175 Corridor where the state right-of-way is actually greater than the otherwise applicable setback.

d. Adoption of the perceived more rational standard recommended herein should result in fewer applications for area variance relief to the Zoning Board of Appeals and should provide for reduced support for claims of practical difficulty for an area variance. With the applicability of the more modest standard of additional setback along an Arterial or Collector street.”

Potential reduction in impervious surfaces may be realized by reducing the length of access ways to structures adhering to T40’ and 100’ setbacks.

There are no perceptible adverse impacts upon air quality, drainage, land usage, geological features or surface waters.

There are no perceptible adverse impacts upon groundwater, flooding, plants and animals, agricultural resources, aesthetic resources, historic or archeological resources.

There are no identified adverse impacts upon open space and recreation, use of energy, noise, odor and light.

Local Law E-2017 is consistent with the Town’s Master Plan and should have no impacts upon human health or community character; and it is further

RESOLVED AND DETERMINED, that proposed Local Law E-2017 is hereby enacted as Local Law 5-2017, as follows:

**TOWN OF ONONDAGA
LOCAL LAW 5-2017**

**A LOCAL LAW TO AMEND CHAPTER 285
TITLED “ZONING” OF THE CODE
OF THE TOWN OF ONONDAGA**

Be it enacted by the Town Board of the Town of Onondaga as follows:

SECTION 1. So that Section 285-31-C of the Code of the Town of Onondaga shall be amended, to read in its entirety, as follows:

“C. Setback requirements. For any arterial and collector streets, roads and highways, an additional setback requirement equal to fifteen (15) feet shall apply, as measured from the street, road or highway right of way line, above and beyond any setback requirement of the specific underlying zoning district involved.”

SECTION 2. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Excused	-----
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The following resolution was offered by Supervisor Andino, who moved its adoption, seconded by Councilman Petrie,

RESOLVED, that there being no further business to come before the Town Board, the Executive Session and Town Board Meeting be adjourned.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Excused	-----
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Town Board Meeting adjourned at 6:30 p.m.

Transcribed by Lisa M. Goodwin, Town Clerk