

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on April 16, 2019 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Ms. Patricia Dickman	Councilor
Mr. Ronald Dudzinski	Councilor
Ms. Mary Frances Sabin	Deputy Supervisor
Mr. Claude Sykes	Supervisor

Absent/Excused: Ms. Wendy Van Der Water, Councilor

Also present:

Mr. Kevin Gilligan	Town Attorney
Mr. Jason Hoy	Engineer
Mr. Doug Foster	Highway Superintendent
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the Regular Town Board Meeting on April 2, 2019:

Ms. Sabin had one correction, 1st line of discussion on Local Law A, change to “applies to structures” not prohibits structures.

085-19-000 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to approve the minutes of the Regular Town Board meeting on April 2, 2019 as amended.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Abstain

Motion Carried & Adopted

Consider adoption of Local Law A-2019 – Waterfront Overlay District:

Mr. Sykes said the town received no comments from the Onondaga County Planning Board on this proposed Local Law saying no detriment to the community.

086-19-030 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to The following resolution was offered by Councilor Sabin, who moved its adoption, seconded by Councilor Dudzinski, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2019, “A Local Law Amending Chapter 200 of the Code of the Town

of Van Buren Titled ‘Zoning’”, was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on March 19, 2019; and

WHEREAS, a public hearing was held on such proposed local law on this 2nd day of April, 2019, by the Town Board of the Town of Van Buren 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 Van Buren in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, this proposed local law was referred to the Onondaga County Planning Board, which took no position; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Van Buren, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is a Type I Action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, said Full EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2019.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. A-2019 is a Type I Action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED that the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that the Town Board hereby adopts a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq. for the following reasons:

1. If adopted, proposed Local Law No. A-2019 will serve to further preserve and protect the Town’s wetlands and flood zones, as delineated by the New York State Department of Environmental Conservation and FEMA, respectively, through the imposition of appropriate additional land use regulations.
2. None of the proposed text amendments will have any direct or indirect impact on

the environment, including no impact upon air, water quality, plants or animals, land, architecture, archeological or aesthetic resources; and it is further

RESOLVED AND DETERMINED that the Town’s legal counsel shall distribute and publish this Negative Declaration pursuant to the requirements of 6. N.Y.C.R.R., Part 617; and it is further

RESOLVED AND DETERMINED that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact proposed Local Law No. A-2019 as Local Law No. 1-2019 as follows:

**“TOWN OF VAN BUREN
LOCAL LAW 1-2019
A LOCAL LAW AMENDING CHAPTER 200 OF THE CODE
OF THE TOWN OF VAN BUREN TITLED “ZONING”**

BE IT ENACTED by the Town Board of the Town of Van Buren that this local law amends Chapter 200 of the Code of the Town of Van Buren, as follows:

Section 1.

So that a Section 200-49(A) of the Town of Van Buren Zoning Regulations shall be amended to read, in its entirety, as follows:

“(A) Purpose. Property located along natural bodies of water (lake, stream, river) has always presented questions about yard requirements and setbacks. Because the property between the principal structure and the water is normally considered the rear yard, accessory structures and property improvements often are requested to be placed in the front yard, which would require a variance. This overlay district shall protect the view and character of waterfront property and provide yard setback regulations appropriate to the underlying zoning district.”

Section 2.

So that a Section 200-49(C) of the Town of Van Buren Zoning Regulations shall be amended to read, in its entirety, as follows:

“(C) Applicability. The WFP District applies to all parcels situated within 150 feet of the banks of the Seneca River, as designated in Subsection D below. Only that portion of a parcel which is situated within 150 feet of the banks of the Seneca River, shall be within this overlay district. In the event a roadway intersects a parcel located within 150 feet of the banks of the Seneca River, only that portion of the parcel immediately adjacent to the Seneca River shall be within this overlay district; that portion of the parcel which is located on the opposite side of the roadway shall not be within this overlay district. The dimensional standards applicable within this overlay district shall be in addition to any requirements of the underlying zoning district not in conflict with the provisions of this section. In the event of conflict

with other provisions of this Chapter, the standards set forth in this section shall apply.”

Section 3.

This Local Law shall take effect upon its filing with the New York Secretary of State.”

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Consider approval of contract with IUOE for 1/1/19-12/31/22:

Ms. Dickman said they have been working on this for months and bargaining unit members have voted to accept this new four year contract.

087-19-038 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to approve the contract with IUOE for 1/1/19-12/31/22.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Authorize Comptroller to transfer funds into reserve accounts:

088-19-007 MOTION BY Mr. Dudzinski, seconded by Ms. Lesniak, to authorize the Comptroller to transfer the following amounts into reserve funds:

\$2500.00 Parks & Recreation

\$10,000.00 Highway Supt. Vehicle

\$250,000.00 Highway Dept. Equipment

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Authorize purchase of 2019 CAT 938M HL Wheel Loader off NYS Contract PC 66988, with a trade in of a 2001 John Deere 624H Loader valued at \$36,000, net balance due \$147,589 from Highway Equipment Reserve Fund which is subject to estoppel period and permissive referendum:

089-19-026 MOTION BY Mr. Dudzinski, seconded by Ms. Lesniak, to authorize purchase of 2019 CAT 938M HL Wheel Loader off NYS Contract PC 66988, with a trade in of a 2001 John Deere 624H Loader valued at \$36,000, net balance due \$147,589 from Highway Equipment Reserve Fund which is subject to estoppel period and permissive referendum.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Authorize Supervisor to execute IMA with Onondaga County to provide services to assist with MS4 compliance:

090-19-056 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to authorize Supervisor to execute IMA with Onondaga County to provide services to assist with MS4 compliance.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Acceptance of Cory VanDerveer’s resignation as laborer 2 from Building and Grounds Department effective April 17, 2019:

Mr. Sykes thanked Mr. VanDerveer for his service and wished him well.

091-19-038 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to accept the resignation of Cory VanDerveer as laborer 2 from Buildings and Grounds Department effective April 17, 2019.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Appointment of Marty Lally as temporary laborer in Buildings and Grounds:

092-19-038 MOTION BY Ms. Sabin, seconded by Ms. Lesniak, to appoint Marty Lally as a temporary laborer in the Buildings and Grounds Department not to exceed 25 hours a week.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Consider application for zone change for NJH Property Holdings LLC, 2511 Warners Road, Warners for parcel 059.-02-16.2, Add E-3 (self-storage) to list of approved uses in the BRB Zoning District with special use permit:

Mr. Sykes said the Planning Board will review and give a recommendation before the Town Board schedules a public hearing.

093-19-052 MOTION BY Mr. Dudzinski, seconded by Ms. Lesniak, to consider application for zone change for NJH Property Holdings LLC, 2511 Warners Rd, Warners for parcel 059.-02-16.2, Add E-3 (self-storage) to the list of approved uses in the BRB Zoning District with special use permit.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Approval of \$85 training reimbursement for Town Engineer:

094-19-027 MOTION BY Ms. Lesniak, seconded by Mr. Dudzinski, to approve \$85 training reimbursement for Town Engineer.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Introduction of Local Law B-2019 amending Chapter 200 of Town Code (Zoning) amending Section 200-54 C regarding signage and schedule a public hearing for May 21, 2019 at 7:00 pm:

095-19-039 Councilor Sabin introduced proposed Local Law No. B-2019 amending Chapter 200 of the Code of the Town of Van Buren titled “Zoning”, which Local Law will result in amending Section 200-54(C) with regard to signage regulations, and made the following Resolution, which was seconded by Councilor Dickman

WHEREAS, proposed Local Law B-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether the action is subject to the aforementioned law;

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Van Buren, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is an Unlisted Action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. B-2019 is an Unlisted Action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQR review; and it is further

RESOLVED AND DETERMINED the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. B-2019 at the Van Buren Town Offices located at

7575 Van Buren Road in the Town of Van Buren on May 21, 2019 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Consideration of moratorium on “solar farms” and introduction of local law pertaining to same in the Town of Van Buren:

Mr. Sykes said there are new subsidies for this and the town has received inquiries about them. He said this moratorium would give town officials and residents time to understand the ramifications.

096-19-039 Councilor Dudzinski introduced proposed Local Law No. C-2019 regarding imposing a six (6) month moratorium on Commercial Free Standing Solar Photovoltaic (PV) Systems within the Town of Van Buren and made the following Resolution, which was seconded by Councilor Lesniak:

WHEREAS, this moratorium will enable the Town to undertake review and comprehensively address the issues involved with commercial free standing solar photovoltaic systems; and

WHEREAS, the Town recognizes the potential benefits and desirability of commercial free-standing PV systems, but determines that time and research is necessary to determine how to properly regulate such installations; and

WHEREAS, the Town Board has deemed this moratorium urgent and immediately necessary in order to preserve status quo while this issue is examined by the Town; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the Town of Van Buren, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law, is a Type II action under SEQR, thus concluding the environmental review process; and it is further

RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law C-2019 at the Town of Van Buren Town Hall located at 7575 Van Buren Road, Baldwinsville, New York 13027 on May 7, 2019 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED, that pending action of this Local Law, the Town will neither accept nor process any application pertaining to commercial free-standing Solar Photovoltaic Systems.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Authorize the Supervisor to enter into agreement for credit cards with Solvay Bank:

097-19-007 MOTION BY Ms, Sabin, seconded by Ms. Lesniak, to authorize the Town Supervisor to enter into an agreement with Solvay Bank for credit cards for the Town and the following named individuals, Claude Sykes(Town Hall), credit limit of \$1,500; Doug Foster(Highway Department), credit limit of \$1,500 and John LaManche, (Building and Grounds) credit limit of \$1,500. The above name individuals will be personally responsible for any unauthorized purchases on their cards.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Dickman thanked Ms. Sabin for all the work she did while Mr. Sykes was on vacation.

Ms. Lesniak recognized former Councilor Zaccaria for the work he did negotiating the IUOE contract.

Highway Superintendent Comments:

Mr. Foster said crews are out doing lawn repairs and it should take another two weeks to finish them. He said anyone whose lawn has not been repaired at the end of this month should contact the department.

Ms. Sabin said they did a nice job on the repairs in Village Green.

Supervisor Comments:

Mr. Sykes said the NYS DOT is following up on the review of the study for the possible traffic signal light on Downer Street and Rt. 690.

Mr. Sykes said Assemblyman Magnarelli followed up on questions the town representatives asked about when the NYS DOT would be re-paving Rt. 48. He said the state is repaving Rt. 48 from Brown Street heading north but has not received funds to re-pave south of Brown Street. Until they do they will continue to do maintenance repairs.

Engineer Comments: None

Attorney Comments: None

Citizen Comments: None

Regular Town Board Meeting April 16, 2019

098-19-000 MOTION BY Ms. Dickman, seconded by Ms. Lesniak, to adjourn to the next Regular Town Board Meeting on May 7, 2019 at 7:00 pm.

Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Meeting closed 7:27 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 4/18/19