

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on September 17, 2019 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

Mrs. Wendy Van Der Water Councilor
Mr. Howard Tupper Councilor
Ms. Patricia Dickman Councilor
Ms. Mary Frances Sabin Deputy Supervisor
Mr. Claude Sykes Supervisor

Absent: Ms. Darcie Lesniak, Councilor and Mr. Ronald Dudzinski, Councilor

Also present:

Mr. Kevin Gilligan Town Attorney
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 September 3, 2019:

196-19-000 MOTION BY Ms. Dickman, seconded by Mrs. Van Der Water, to approve the minutes of the Regular Town Board Meeting on September 3, 2019 as published.

Mrs. Van Der Water – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Approval to purchase a bike rack for Harbour Heights Park at a cost of \$405.00 to come from in-lieu of parks fund:

197-19-037 MOTION BY Ms. Dickman, seconded by Mrs. Van Der Water, to approve purchase of a bike rack for Harbour Heights Park at a cost of \$405.00 to come from in –lieu of parks fund.

Mrs. Van Der Water – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Introduction of Local Law H of 2019 extending solar moratorium:

Mr. Sykes said the committee is close to being done with the proposed changes, but the town has to wait for comments from the Onondaga County Planning Board before we can act and that will put us past November 7th so the town needs to extend the moratorium.

198-19-039 Councilor Sabin introduced proposed Local Law No. H-2019 Extending for an Additional Three (3) Months the 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 Van Der Water:

WHEREAS, this moratorium extension 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 extension 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 H-2019 at the Town of Van Buren Town Hall located at 7575 Van Buren Road, Baldwinsville, New York 13027 on October 15, 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.

Roll Call Votes: Mrs. Van Der Water – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Introduction of Local Law I of 2019 “Small Cell Wireless Development Requirements” and set October 15, 2019 at 7:00 pm for public hearing:

199-19-039 Councilor Sabin introduced proposed Local Law No. I-2019 to amend the Code of the Town of Van Buren by creating a new Chapter 151 titled “Small Cell Wireless Deployment Requirements” and made the following Resolution, which was seconded by Councilor Tupper:

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

WHEREAS, the Federal Communications Commission (“FCC”) has issued a Declaratory Ruling and Third Report and Order, known as FCC 18-133 or the “Order,” to encourage and facilitate the deployment of small cell wireless communications facilities throughout the United States of America; and

WHEREAS, referencing several reasons and determinations as to why the deployment of small cell wireless communications facilities throughout the United States is considered beneficial, the Order is intended to streamline and accelerate the wireless infrastructure siting review process; and

WHEREAS, the Order does, however, explicitly reserve the right of local governments to impose aesthetic requirements and safety considerations upon such small cell wireless communications facilities; and

WHEREAS, by Resolution dated April 2, 2019, the Town of Van Buren Town Board expressed its desire to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called “4G” and “5G” technology, which rights and options included the ability to establish standards and requirements relative to the siting, construction, operation, maintenance, and permitting of such small commercial wireless facilities; and

WHEREAS, the Town Board desires to regulate the deployment of small cell wireless communications facilities throughout the Town in conformance with the guidance and rules set forth in the Order; 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 (SEQRA) 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 of said Local Law is an unlisted action for purposes of environmental review under SEQRA and a Short Environmental Assessment Form (EAF) in support of this Local Law 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 there are no other involved agencies, that the Town Board shall act as lead agency and the enactment of proposed Local Law No. I-2019 is an unlisted action for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED, that the Town Board upon review of the EAF and proposed Local Law has determined that this action, which will streamline and accelerate the wireless infrastructure siting review process while regulating local aesthetics and imposing public safety consideration in accordance with FCC 18-133, will have no 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 pursuant to SEQRA; 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. I-2019 at the Van Buren Town Offices located at 7575 Van Buren Road in the Town of Van Buren on October 15, 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.

Roll Call Votes: Mrs. Van Der Water – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Sabin scheduled a Land Use Committee meeting for September 23rd at 2:30 pm at the Town Hall. She said they will be doing the final review of the proposed changes to the solar law. She said they will also discuss ways to enhance our property maintenance law to strengthen it and shorten the time allowed for compliance.

Mrs. Van Der Water said she held a Parks & Recreation committee meeting and they discussed the summer programs and what is coming up for Fall and Winter. She said the brochures for programing will be available soon.

Ms. Dickman said the Labor committee continues to meet and negotiate with the AFSCME union for the contract that expires at the end of the year.

Mr. Tupper said the next Canton Woods Board of Directors meeting is the first Thursday Next month at 7:45 am and is open to the public.

Highway Superintendent Comments: None

Supervisor Comments:

Mr. Sykes said the dates for budget meetings has changed and gave the following schedule:

October 21, 2019

6:00 pm	Justice
6:30 pm	Highway
7:30 pm	Assessor
8:00 pm	General review, Special Districts, Supervisor, Town Board, Comptroller, Senior Center and others

October 22, 2019

6:00 pm	Codes
6:30 pm	Engineer

Regular Town Board Meeting September 17, 2019

7:00 pm Town Clerk/Receiver of Taxes
7:30 pm Parks & Recreation
8:00 pm Bldgs and Grounds

Engineer Comments: None

Attorney Comments: None

Citizens Comments: None

200-19-000 MOTION BY Ms. Sabin, seconded by Ms. Dickman, to adjourn to the next Regular Town Board Meeting on October 1, 2019 at 7:00 pm.

Mrs. Van Der Water – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Meeting closed 7:09 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 9/18/19