

Regular Meeting of the Town Board of the Town of Van Buren, held on April 20, 2022 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Mr. Michael Hulchanski	Councilor
Mrs. Wendy Van Der Water	Councilor
Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Mr. Ronald Dudzinski	Councilor
Ms. Mary Frances Sabin	Supervisor

Ms. Nadine Bell	Town Attorney
Mr. Jason Hoy	Town 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 6, 2022:

Mrs. Van Der Water had one correction under Local Law B-2022, “recess” is spelled incorrectly and to please add “no one spoke” on page two after, “Ms. Lesniak asked if there was anyone to speak against this local law”.

062-22-000 MOTION BY Mr. Hulchanski, seconded by Mr. Dudzinski, to approve the April 6, 2022 Regular Town Board Meeting minutes with corrections.

Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Approve Local Law A-2022 – Solar Moratorium:

063-22-014 The following resolution was offered by Councilor Van Der Water who moved its adoption, seconded by Councilor Hulchanski to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2021, “A Local Law Imposing a Twelve (12) Month Moratorium on Solar Farms Within the Town of Van Buren,” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on March 16, 2022; and

WHEREAS, a public hearing was held on such proposed local law on the 6th day of April, 2022, 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, the enactment of Proposed Local Law No. A-2022 has previously been determined to be a Type II action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, the Proposed Local Law No. A-2022 was duly referred to the Onondaga County Planning Agency pursuant to General Municipal Law § 239 and, upon administrative review of Case No. Z-22-77, dated April 14, 2022, the Local Law was returned with a recommendation of “no position,” with comment; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2022.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact proposed Local Law No. A-2022 as Local Law No. 1-2022 as follows:

**“TOWN OF VAN BUREN
PROPOSED LOCAL LAW 1-2022**

**A Local Law Imposing a Twelve (12) Month Moratorium
on Solar Farms Within the Town of Van Buren**

Be it enacted as follows:

Section 1: Intent

It is the intent of the Town Board of the Town of Van Buren to impose a twelve (12) month moratorium on the siting, placement, installation, construction, erection, and enlargement of solar farms within the Town of Van Buren. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

Section 2: Legislative Purpose

The solar industry has grown in recent years due to increased calls to obtain the economic and environmental advantages renewable energy offers, as a result of federal and state tax benefits and solar industry innovations. It is the purpose of this local law to adopt a temporary moratorium on the further growth and development of solar farms in the Town of Van Buren while the Town undertakes a review of its Comprehensive Plan and/ or land use regulations which are intended to, in part, address such new circumstances not addressed by its current law. The Town has previously adopted comprehensive regulations for “Solar Energy Systems,” which are found in Article XV of Chapter 200, titled “Zoning,” of the Code of the Town of Van Buren (Code). The Town Board is concerned about the increase in demand and the potential long-term impacts to be realized from solar farm uses, and believes it is necessary to enact a land use moratorium to protect the public’s health, safety, and welfare and to provide sufficient time for community officials to

comprehensively address the issues presented by the continued growth and development of solar farms within the Town, while its Comprehensive Plan is reviewed and updated.

Section 3: Definitions

Solar Farms

A Solar Energy System or collection of Solar Energy Systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

Section 4: Moratorium

A. The Town Board hereby enacts a moratorium which shall prohibit the siting, placement, installation, construction, erection, and enlargement of solar farms anywhere within the Town of Van Buren.

B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this local law and shall expire on the earlier of (i) the date twelve (12) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Solar farms which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium, and may be sited, placed, installed, constructed, erected and operated in accordance with approved plans. Further modification, alteration or enlargement of previously approved solar farms is prohibited while the moratorium is in effect.

Section 5: Relief from Provisions of this Local Law

A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Town Code Enforcement Officer together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use

Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.

C. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

Section 6: Penalties

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a solar farm use in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 7: Enforcement

This local law shall be enforced by the Code Enforcement Office of the Town of Van Buren or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

Section 8: Validity & Severability

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or affect any other section of this local law.

Section 9: Effective Date

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of passage.”

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

Roll Call Votes: Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Approve NYS Retirement Resolution to Establish Service Credit for newly Appointed and Elected Officials:

064-22-038 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve the following resolution to establish service credit for NYS Retirement System:

Doug Foster, 20 days per month, 30 days in month with three payrolls
Darcie Lesniak, 3.26 days per month, 4.89 days in month with three payrolls
Michael Hulchanski, 1.55 days per month, 2.32 days in month with three payrolls
Michelle Vona, 12.12 days per month, 18.17 days in month with three payrolls
Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Approve Marie Giannone as temporary codes clerk at a rate of \$23.49/hr:

065-22-038 MOTION BY Mr. Dudzinski, seconded by Ms. Lesniak, to approve Marie Giannone as temporary codes clerk at a rate of \$23.49/hr.

Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Authorize Engineer to prepare bid documents for new pavilion for Van Buren Central Park:

Ms. Sabin said this will be funded with NYS grant money.

Mr. Hulchanski said he looked at the site and it is a great location.

066-22-036 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to authorize the Engineer to prepare bid documents for new pavilion for Van Buren Central Park.

Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Set public hearing for Community Development grant application and five year plan for May 4, 2022 at 7:02 pm:

067-22-039 MOTION BY Mrs. Van Der Water, seconded by Mr. Hulchanski, to set public hearing for Community Development grant application and five year plan for May 4, 2022 at 7:02 pm.

Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mrs. Van Der Water asked where we are in terms of the Onondaga County Planning Board exemption agreement.

Ms. Sabin said she is waiting for the county comments on it.

Mrs. Van Der Water asked for the status of the Warners Cemetery Agreement changes that were proposed.

Ms. Sabin said she is not ready to move forward with it yet.

Mrs. Van Der Water said there was discussion at the Canton Woods Board of Directors meeting to spend some of their money rather than relying on the funds from the towns. She said she has reiterated that the town will not be able to commit to the same amount of funding they have received in the past.

Ms. Sabin asked if they are considering renting the building to outside groups looking for places to meet as an additional revenue source.

Mrs. Van Der Water said she will bring it up to the board.

Mrs. Van Der Water said she is working on getting the split on demographics for usage of the center that Mr. Hulchanski had requested.

Mrs. Van Der Water thanked Ms. Sullivan for attending the meeting with her this month.

Supervisor Comments:

Ms. Sabin said Senator Mannion will be here at the Town Hall next Wednesday, April 27th from 5:00 pm to 7:00 pm for constituents to come and talk to him.

Ms. Sabin said Earth Day events are this weekend.

Mr. Foster said there is still time for groups to sign up with OCRRA to get stickers for trash collection. Mr. Foster said the Highway Garage will be open to accept stickered trash bags Friday from 7:00 am to 3:00 pm and Saturday from 8:00 am to Noon.

Ms. Sabin said she received an email complimenting Ms. Anders and Ms. Smiley at Van Buren Park for their friendly help with a pavilion rental.

Citizens Comments: None

Engineer Comments:

Mr. Hoy said he is meeting with the Buildings and Grounds Supt. on Friday to layout the areas for basketball court and playground equipment.

Ms. Sabin said only the half basketball court will be completed this summer.

Highway Superintendent Comments: None

Attorney Comments:

Ms. Bell said she wants to make the Board aware of changes to the Open Meetings Law pertaining to videoconferencing public meetings the State Legislature has passed. She said these changes go into effect when the State of Emergency related to Covid is lifted and requires action by the Board if they wish to use this method for public meetings.

Ms. Bell said currently under the State of Emergency related to Covid, Boards have been able to follow relaxed guidelines in regard to livestreaming or allowing Zoom meetings with public participation. Some of the changes to this that were approved require there to be a quorum of the Board physically present and if a member chooses to attend virtually they must have an extraordinary reason, they cannot simply be out of town or choose to attend from home. The written rules for the meetings must be posted on the town's website and all meetings must be recorded and made available on the website for five years. Minutes of the meeting do not have to be verbatim, however, if a transcript for the meeting is requested one must be prepared.

The Board can choose to continue to have in person meetings and/or choose to live stream the meetings without adopting these changes.

Ms., Bell said she wants the Board to be aware of this and understand your options.

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Mrs. Van Der Water said she understands why people like it since they can watch from their home and would like to see virtual public participation as an option for residents.

Ms. Lesniak said you still need a quorum present at the meeting whether live streaming or allowing public interaction and someone has to monitor public comments.

Mrs. Van Der Water suggested live streaming the meetings and see what feedback we get from the residents.

069-22-000 MOTION BY Mrs. Van Der Water, seconded by Ms. Lesniak, to adjourn to the next Regular Town Board Meeting on May 4, 2022 at 7:00 pm.

Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes

All Ayes – Motion Carried & Adopted

Meeting closed 7:39 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 4/21/22