

Regular Meeting of the Town Board of the Town of Van Buren, held on February 7, 2024 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Mr. Robert Grover	Councilor
Mrs. Jennifer Sullivan	Councilor
Mr. Michael Hulchanski	Councilor
Mrs. Wendy Van Der Water	Acting Supervisor

Absent: Mr. Roger Hand, Councilor and Ms. Darcie Lesniak, Deputy Supervisor

Also Present:

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 January 17, 2024 regular Town Board Meeting:

024-24-000 MOTION BY Mr. Hulchanski, seconded by Mr. Grover, to approve the minutes of the Regular Town Board Meeting on January 17, 2024 as published.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Citizens Comments: None

Approve Vouchers:

025-24-007 MOTION BY Mr. Grover, seconded by Mrs. Sullivan, to approve claims 231692, 231700-231761, 231774-231779, 231781-231789, 231791-231817 in the amount of \$1,830,369.12.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Adopt Local Law B-24 Moratorium on Smoke Shops:

026-24-030 The following resolution was offered by Councilor Grover 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. B-2024, titled “A Local Law Imposing a Six (6) Month Moratorium

on Smoke Shops 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 January 3, 2024; and

**WHEREAS**, a public hearing was held on such proposed local law on the 17th day of January, 2024, 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. B-2024 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 Town of Van Buren duly referred the Local Law to the Onondaga County Planning Board for review pursuant to General Municipal Law § 239, and, by Resolution #Z-24-15, took “no position” on the application; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. B-2024.

**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. B-2024 as Local Law No. 2-2024 as follows:

**“TOWN OF VAN BUREN  
LOCAL LAW 1-2024**

**A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM  
ON SMOKE SHOP USES WITHIN THE TOWN OF VAN BUREN**

Be it enacted by the Board of the Town of Van Buren, as follows:

**SECTION 1. Intent.**

It is the intent of the Board of the Town of Van Buren to impose a six (6) month moratorium on the establishment, creation, maintenance, advertisement and/or operation of new smoke shop uses within the Town of Van Buren because of the exponential increase of the same within the Town of Van Buren.

**SECTION 2. Legislative Purpose.**

Pursuant to the statutory powers vested in the Town of Van Buren to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Van Buren hereby declares a temporary moratorium on the establishment, creation, maintenance, advertisement and/or operation of new smoke shop uses within the Town of Van Buren.

Because of the exponential increase of smoke shop uses within the Town of Van Buren, the Town Board of the Town of Van Buren desires to address, in a careful manner, the issues raised by smoke shops on a comprehensive basis, rather than on an ad hoc basis, with the goal of adopting

appropriate zoning or other land use laws or by amending its current laws to properly regulate the same.

**SECTION 3. Definitions.**

SMOKE SHOP – This term includes any premises dedicated to the display, sale distribution, delivery, offering, furnishing or marketing of tobacco and/or cannabis, tobacco and/or cannabis products, and/or tobacco and/or cannabis paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells tobacco and/or cannabis as an ancillary sale shall not be defined as a “smoke shop.”

**SECTION 4. Moratorium.**

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, zoning permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official agent of the Town of Van Buren, for the construction, establishment, use, creation, maintenance, advertisement and/or operation of any land, building or structure within the Town of Van Buren for any new smoke shop use, as defined above.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this Local Law, unless renewed; or (ii) the enactment by the Town Board of the Town of Van Buren of a resolution indicating the Town Board of the Town of Van Buren 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 of Van Buren.

D. Under no circumstances shall the failure of the Town Board of the Town of Van Buren, the Planning Board/ Zoning Board of Appeals, or the Code Enforcement Office for the Town of Van Buren to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

**SECTION 5. Relief from provisions of this Local Law.**

A. The Town Board of the Town of Van Buren 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 Code Enforcement Office 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 of the Town of Van Buren shall apply Use Variance criteria as set forth in the New York State General Town Law, Section 267-b in reviewing any application for relief.

C. The Town Board of the Town of Van Buren may refer any applications for relief herein to the Town of Van Buren Planning Board/ Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board of the Town of Van Buren after determining whether the requested relief is compatible with any contemplated amendments to the Zoning Regulations. Unless completely satisfied that the proposed relief is compatible, the Town Board of the Town of Van Buren shall deny the application.

D. The Town Board of the Town of Van Buren shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Code Enforcement Office 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 individual, partnership, firm or corporation that shall establish, construct, reconstruct, relocate, enlarge or modify any site to be used for a smoke shop 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 Town of Van Buren Code Enforcement Office or such other zoning enforcement individual(s) as designated by the Town Board of the Town of Van Buren. It shall be the duty of the enforcement individual(s) to advise the Town Board of the Town of Van Buren of all matters pertaining to the enforcement of this Local Law.

#### **SECTION 8. Validity and 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 effect of any other section of this Local Law.

**SECTION 9. Effective date.**

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

Roll Call Votes: Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Authorize the Supervisor to sign the Grant Disbursement Agreement with the State Dormitory Authority:

027-24-057 MOTION BY Mrs. Sullivan, seconded by Mr. Hulchanski, to authorize the Supervisor to sign the Grant Disbursement Agreement with the State Dormitory Authority. Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Appoint Kim Saxon park attendant at \$18.25 per hour:

028-24-038 MOTION BY Mr. Grover, seconded by Mrs. Sullivan, to appoint Kim Saxon park attendant at \$18.25 an hour effective January 27, 2024.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Schedule public hearing to consider proposed Local Law C-24, Residency Requirements for Town Historian:

029-24-039 Mr. Grover introduced proposed Local Law No. C-2024, titled “A Local Law Amending Chapter 58 of the Town Code of the Town of Van Buren, titled “Residency Requirements,” with Respect to the Position of Town Historian,” and made the following motion, which was seconded by Mrs. Sullivan :

**WHEREAS**, as proposed, the Local Law shall establish a new Article 2, § 58-7 in Chapter 58 of the Town Code of the Town of Van Buren, titled “Residency, Town Historian,” whereupon the person holding the appointed position of Town Historian shall no longer be required to be a resident or elector of the Town of Van Buren provided, however, that such person shall reside in the County of Onondaga or an adjoining county with the State of New York; 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 (SEQRA) with respect to the proposed enactment of said Local Law; and

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; 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. C-2024 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. C-2024 at the Town Hall located at the Van Buren Town Offices located at 7575 Van Buren Road in the Town of Van Buren on February 21, 2024 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 notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Van Buren.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Councilor Committee Reports & Comments:

Mrs. Sullivan said they had a Parks & Recreation Committee meeting and will have another on February 28, 2024 at 3:00 pm at the Van Buren Central Park Office. She said pavilion rentals have started and registration for the summer playground will begin in a couple weeks.

Mrs. Van Der Water asked if they are presenting five year plans. Mrs. Sullivan said she has the Park & Recreation plan and they are working on Buildings and Grounds.

Mrs. Sullivan said Canton Woods Senior Center is looking for volunteers for the B'Ville Express and to clear landscaping in the front of the building.

Supervisor Comments: None

Highway Superintendent Comments: None

Engineer Comments: None

Attorney Comments: None

030-24-014 MOTION BY Mr. Hulchanski, seconded by Mr. Grover, to go into Executive Session to discuss a contract negotiation at 7:08 pm.

Regular Town Board Meeting February 7, 2024

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes  
Motion Carried & Adopted

031-24-000 MOTION BY Mr. Hulchanski, seconded by Mrs. Sullivan, to close the executive Session and resume the regular meeting at 8:45 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes  
Motion Carried & Adopted

032-24-010 MOTION BY Mr. Hulchanski, seconded by Mrs. Sullivan, to approve the following resolution:

Whereas, the Town of Van Buren entered into a Purchase Contract with Brolex Properties, LLC, for the sale of property identified as Tax Map No. 036.-07-19.3, dated February 9, 2021.

Now, therefore, be it

Resolved, that the Town Board does hereby direct legal counsel to issue a “Time is of the Essence” letter to Brolex Properties, LLC, demanding that closing on the property occur no later than March 1, 2024.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes  
Motion Carried & Adopted

033-24-000 MOTION BY Mr. Hulchanski, seconded by Mrs. Sullivan, to adjourn to the next Regular Town Board Meeting on February 21, 2024 at 7:00 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes  
Motion Carried & Adopted

Acting Supervisor Van Der Water wishes to acknowledge that the office of supervisor is vacated as a matter of law effective 2/1/2024.

Meeting closed 8:50 pm

Respectfully submitted,

Lynn Precourt  
Town Clerk

Dated: 2/8/24