

Regular Meeting of the Town Board of the Town of Van Buren held on October 18, 2023 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	Councilor
Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Mr. Richard Zaccaria	Town Supervisor

Also Present:

Ms. Nadine Bell	Town Attorney
Mr. Doug Foster	Highway Superintendent
Mr. Christopher Perdue	Code Enforcement Officer
Mrs. Lynn Precourt	Town Clerk

Approve Meeting Minutes of October 4, 2023:

202-23-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Hulchanski, to approve the minutes of the Regular Town Board Meeting on October 4, 2023 as published.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Citizens Comments: None

Approve Vouchers:

203-23-007 MOTION BY Mrs. Sullivan, seconded by Mr. Grover, to pay claims 231222, 231235, 231238- 231249, 231262-231299 in the amount of \$153,952.04.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Public Hearing to Consider Proposed Local Law to Override the Tax Levy Limit:

204-23-000 MOTION BY Mr. Hulchanski, seconded by Mrs. Van Der Water, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on October 11, 2023.

Regular Town Board Meeting October 18, 2023

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Mr. Zaccaria said this is being done as a precaution in case of any miscalculations; the Board has no intention of exceeding the cap.

Mr. Hulchanski added that perception is the only reason not to do this because it's a good idea to avoid any potential fines.

Mr. Zaccaria asked if there was anyone to speak in favor of this proposed local law. No one spoke.

Mr. Zaccaria asked if there was anyone to speak against this proposed local law. No one spoke.

205-23-000 MOTION BY Mrs. Van Der Water, seconded by Ms. Lesniak, to close the public hearing and resume the regular meeting at 7:04 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Consider Adoption of Local Law J of 2023 to Override the Tax Levy Limit:

206-23-007 The following resolution was offered by Mrs. Van Der Water, who moved its adoption, seconded by Ms. Lesniak, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. J-2023, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in 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 October 4, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 18th day of October, 2023, 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. J-2023 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said proposed Local Law No. J-2023.

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. J-2023 as Local Law No. 8-2023 as follows:

**“TOWN OF VAN BUREN
LOCAL LAW NO. 8 OF 2023**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF VAN BUREN**

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Van Buren, County of Onondaga pursuant to General Municipal Law §3-c, and to allow the Town of Van Buren to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2024, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Van Buren, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This local law shall take effect upon enactment by the Town Board.

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

Motion Carried & Adopted

Approve Local Law I of 2023 Extending the Solar Moratorium for an additional three months:

207-23-052 The following resolution was offered by Councilor Van Der Water who moved its adoption, seconded by Councilor Grover to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. I-2023, “A Local Law Extending for an Additional Period of Three (3) Months the 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 September 20, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 4th day of October 2023, 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. I-2023 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, it is in the public interest to enact said Proposed Local Law No. I-2023.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Van Buren, Madison County, New York, does hereby enact proposed Local Law No. I-2023 as Local Law No. 9-2023 as follows:

**“TOWN OF VAN BUREN
LOCAL LAW NO. 9 OF 2023**

**A LOCAL LAW EXTENDING FOR AN ADDITIONAL PERIOD OF THREE (3)
MONTHS THE MORATORIUM ON SOLAR FARMS WITHIN THE TOWN OF VAN
BUREN**

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

Section 1. Authority

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

Section 2. Intent

It is the intent of the Town Board of the Town of Van Buren to extend the moratorium on the siting, placement, installation, construction, erection, and enlargement solar farms within the Town of Van Buren for an additional three (3) month period.

Section 3. 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 extend the 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 continue the 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.

The Town adopted Local Law No. 1 of 2022 ("A Local Law Imposing A Twelve (12) Month Moratorium On Solar Farms Within the Town of Van Buren"). Since passage of the original moratorium, the Town has created a committee to evaluate those changes to the Comprehensive Plan and Zoning Law that are appropriate and necessary to effectively regulate solar farms within the Town of Van Buren. The Town then adopted Local Law No. 3 of 2023 ("A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Solar Farms Within the Town of Van Buren"). It has been determined that extending the moratorium for an additional three (3) months from the date of expiration of the six (6) month moratorium, coupled with a mechanism for a "hardship" appeal procedure, will achieve an appropriate balancing of interests between, on the one hand, the public need to safeguard the character and other resources of the Town of Van Buren and the health, safety and general welfare of its residents, and, on the other hand, the rights of individual property owners and businesses desiring to conduct such activities during such period.

This Local Law shall therefore act as an extension to the moratorium adopted by the Town of Van Buren Town Board on April 6, 2023 (Local Law No. 3 of 2023), for an additional three (3) months, until January 6, 2024.

Section 4: 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 5: 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 three (3) months from the effective date of this Local Law and shall expire on the earlier of (i) the date three (3) 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 6: 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 7: 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 8: 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 9. 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 effect of any other section of this Local Law.

Section 10. 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 three (3) months from the date of the expiration of the six (6) moratorium memorialized in Local Law No. 3 of 2023 (“A Local Law Imposing A Six (6) Month Moratorium On Solar Farms Within the Town of Van Buren”), on October 4, 2023, until January 6, 2024.

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

Motion Carried & Adopted

Approve overhead door openers at Buildings and Grounds Department Garage:

208-23-037 MOTION BY Mr. Tupper, seconded by Mr. Grover, to approve the purchase and installation of overhead door openers at the Buildings and Grounds Department Garage by Wayne Dalton in the amount of \$1,734.00.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Schedule Public Hearing to Consider Local Law K-2023 Amending Vehicles and Traffic with Respect to the Regulations of Fire Lanes:

Councilor Lesniak introduced proposed Local Law No. K-2023, titled “A Local Law Amending Chapter 186 of the Code of the Town of Van Buren Titled, “Vehicles and Traffic,” with Respect to the Regulation of Fire Lanes,” and made the following motion, which was seconded by Councilor Van Der Water:

NOW, THEREFORE, it is

RESOLVED, 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.

RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. K-2023 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under SEQRA, and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. K-2023 at the Town Hall located at 7575 Van Buren Road in the Town

of Van Buren on November 1, 2023 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.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mrs. Sullivan said she attended the Canton Woods Board of Directors meeting and they discussed several issues including the urgent need for drivers for the B'Ville Express.

Mrs. Sullivan said the senior center has a \$9,302.00 shortfall for 2022 they will use reserve money to cover.

Mrs. Sullivan said she attended the Planning Board meeting and the developer for the Crego Farm project will need to get approval for a right turn only lane on Crego Road by Walgreens in order for that project to move forward.

Mrs. Sullivan thanked the department heads and Board members for all their work on the 2024 budget.

Mr. Hulchanski gave an update on the Parks Department. He said almost 10,000 people came through the pool gate this summer. He said there were 103 children in the recreation program and pavilions were at capacity almost every weekend. He said he is looking forward to next year.

Mrs. Van Der Water said she met with the Town Attorney and they discussed changes to the Warners Cemetery Rules and Regulations. She said the new document was distributed tonight and she hopes this can be acted on at the next meeting.

Approve Code Enforcement Officer training at NYSBOC:

209-23-027 MOTION BY Mrs. Van Der Water, seconded by Mr. Hulchanski, to approve the Code Enforcement Officer's attendance at the NYSBOC training in Poughkeepsie on November 8th at a cost of \$233.00.

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

Motion Carried & Adopted

Mrs. Van Der Water said she discussed the fee schedule with the Code Enforcement Officer and he would like to add a fee for concrete slabs in the amount of \$35.00 for application fee and an additional \$.25/square foot.

Mrs. Van Der Water said the Code Enforcement Officer would also like to discuss changes to the fine process.

Mr. Grover said he is hoping to have all the changes to the AFSCME CBA complete and ready to be acted on at the next meeting.

Supervisor Comments: None

Highway Superintendent Comments: None

Engineer Comments: None

Attorney Comments: None

210-23-014 MOTION BY Ms. Lesniak, seconded by Mr. Hulchanski, to recess the regular meeting and go into Executive Session to discuss a specific personnel matter at 7:16 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

211-23-000 MOTION BY Ms. Lesniak, seconded by Mrs. Van Der Water, to close the Executive Session and resume the Regular Meeting at 8:10 pm.

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

Motion Carried & Adopted

212-23-000 MOTION BY Ms. Lesniak, seconded by Mrs. Van Der Water, to adjourn to the next Regular Town Board Meeting on November 1, 2023 at 7:00 pm.

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

Motion Carried & Adopted

Meeting closed 8:15 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Regular Town Board Meeting October 18, 2023

Dated: 10/19/23

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