

Regular Meeting of the Town Board of the Town of Van Buren held on April 5, 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
Mrs. Wendy Van Der Water	Councilor
Mr. Michael Hulchanski	Councilor
Ms. Darcie Lesniak	Deputy Supervisor

Excused:

Mr. Howard Tupper, Councilor
Ms. Mary Frances Sabin, Supervisor

Also Present:

Ms. Nadine Bell	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Doug Foster	Highway Superintendent
Ms. Kathryn Halleron	Deputy Town Clerk

Pledge of Allegiance and Roll Call.

Citizens Comments:

Andrew Bowes spoke in regards to solar and suggested that the board look at Australia and how they are doing solar projects.

Kevin Bliss from RIC Energy spoke in favor of solar projects and offered his assistance with reviewing the Town Codes and will forward any suggestions to the Supervisor.

Approve minutes of the Special Meeting on March 29, 2023:

072-23-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Grover, to approve the minutes of the March 29, 2023 Special Town Board meeting as published.

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

Motion Carried & Adopted

Public Hearing on Proposed Local Law C of 2023, extending the solar moratorium for an additional six months

073-23-007 MOTION BY Mrs. Van Der Water, seconded by Mr. Hulchanski, to recess the regular meeting, open the public hearing and waive reading the legal notice published on March 16, 2023 in the *Messenger*.

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

Motion Carried & Adopted

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

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

074-23-000 MOTION BY Mrs. Sullivan, seconded by Mrs. Van Der Water, to close the public hearing and resume the regular meeting at 7:14 pm.

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

Motion Carried & Adopted

Consider adoption of Local Law C-2023:

075-23-030 The following resolution was offered by Mr. Grover who moved its adoption, seconded by Mrs. Van Der Water to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2023, “A Local Law Extending for an Additional Period of Six (6) 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 March 15, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 5th day of April 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. C-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. C-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. C-2023 as Local Law No. 3-2023 as follows:

**“TOWN OF VAN BUREN
PROPOSED 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**

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 six (6) 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. It has been determined that extending the moratorium for an additional six (6) months from the date of expiration of the original 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, 2022 (Local Law No. 1 of 2022), for an additional six (6) months, until October 6, 2023.

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 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 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 six (6) months from the date of the expiration of the twelve (12) moratorium memorialized in Local Law No. 1 of 2022 (“A Local Law Imposing A Twelve (12) Month Moratorium On Solar Farms Within the Town of Van Buren”), on April 6, 2023, until October 6, 2023.”

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

Michael Hulchanski	Councilor	Voted	Yes
Wendy VanDerWater	Councilor	Voted	Yes
Darcie Lesniak	Councilor	Voted	Yes
Howard Tupper	Councilor	Excused	
Jennifer Sullivan	Councilor	Voted	Yes
Robert Grover	Councilor	Voted	Yes
Mary Frances Sabin	Supervisor	Excused	

The foregoing resolution was thereupon declared duly adopted.

DATED: April 5, 2023

Consider approval of codes office fees

076-23-000 MOTION BY Mr. Grover, seconded by Mrs. Van Der Water to approve the new schedule of fees for the Codes Office.

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

Motion Carried & Adopted

Approve vouchers

077-23-000 MOTION BY Mrs. Sullivan, seconded by Mr. Grover to approve vouchers 230417, 230421, 230435-430441, 230444-230448, and 230450-230451 in the amount of \$123,813.61.

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

Motion Carried & Adopted

Consider promotion of James Bell to Laborer 2 effective 4/12/23

078-23-000 MOTION BY Mr. Hulchanski, seconded by Mr. Grover to approve the promotion of James Bell to Laborer 2 effective 4/12/2023.

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

Motion Carried & Adopted

CDS Monarch, Inc. presentation regarding request for zone change- No one from CDS Monarch, Inc was present in the audience.

Consider approval of Internet Penetration Testing and migration to O365- Per Ms. Lesniak, we will hold this item on a later date

Consider approval of AED for the pool as per recommendation of the Parks and Recreation Committee

079-23-000 MOTION BY Mr. Grover, seconded by Mr. Hulchanski to approve AED for the pool as per recommendation of the Parks and Recreation Committee

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

Motion Carried & Adopted

Set bid date opening for new park pavilion

080-23-000 MOTION BY Mrs. Sullivan, seconded by Mr. Grover to set the bid opening for the new park pavilion for April 13, 2023 at 10:00AM

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

Motion Carried & Adopted

Set Community Development Application Public Hearing

081-23-000 MOTION BY Mrs. Sullivan, seconded by Mr. Hulchanski to set the Community Development Application Public Hearing for April 19, 2023 at 7:00PM

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

Motion Carried & Adopted

Appoint Wayne Bailey as summer temporary help for Building and Grounds

082-23-000 MOTION BY Mrs. Van Der Water, seconded by Mrs. Sullivan appoint Wayne Bailey as summer temporary help for Buildings and Grounds at \$16.50 an hour starting April 14, 2023

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

Motion Carried & Adopted

Approve Capital Funding List

083-23-000 MOTION BY Mrs. Sullivan, seconded by Mrs. Van Der Water to approve the Capital Funding List

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

Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mrs. Van Der Water will be creating a committee to review the Town's Comprehensive Plan. She is looking for interested individuals. Please provide a letter of intent to be emailed to the Town Supervisor if you wish to be on the committee. This will be at least a 1 year commitment.

Mr. Hulchanski stated that there was a Parks Committee meeting today and there was discussion regarding a possible Veteran's Monument to be placed in the Park. He also stated there was a Personnel Committee Meeting in which the Town's Employee Handbook was discussed.

Mrs. Sullivan stated the Canton Street Bridge project is making progress. She would like to know when the completion time will be and asked Mr. Foster and Mr. Hoy to look into it. Mrs. Sullivan also said that she will be attending the Canton Woods Senior Center Meeting with Mrs. Van Der Water on Thursday April 6, 2023.

Ms. Lesniak mentioned a few events that are being hosted by Assemblyman Magnarelli which are:

Electronics drop-off at Destiny USA- April 22, 2023 from 8:00AM-2:00PM

Shredding event at the Pink lot of Destiny USA- May 6, 2023 from 9:00AM-12:00PM

Shredding event at the Pink lot of Destiny USA- September 30, 2023 from 9:00AM-12:00PM

** Registration is required for these events***

Highway Superintendent Comments: Mr. Foster stated that he is awaiting the project list from the County for the spring/summer. He also stated that National Grid is working on projects between Oswego and Lafayette, including parts of Van Buren. He asked residents just to be aware of the trucks performing work throughout the town.

Engineer Comments: Mr. Hoy stated that the Connors Road project is still being worked on and that it should be closed for 4-5 weeks.

Attorney Comments: None

071-23-000 MOTION BY Mr. Hulchanski, seconded by Mrs. Van Der Water, to adjourn to the next Regular Town Board Meeting on April 19, 2023 at 7:00 pm.

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

Motion Carried & Adopted

Meeting closed 7:32 pm

Respectfully submitted,

Kathryn Halleron

Town Clerk

Dated: 4/6/23