



**Local Law No. 1 of 2020 of the Town of Byron, New York  
Imposing a Moratorium on Solar Energy Systems  
Pursuant to Town of Byron Local Law 1 of 2016**

**Be It Hereby Enacted By The Town Board Of The Town Of Byron, New York As Follows:**

Section 1. Title

This Local Law shall be referred to as a “Local Law Imposing a Moratorium on the acceptance of applications of Special Use permits for Solar Energy Systems, ground mounted and issuance of building permits for Solar Energy Systems attached pursuant to Town of Byron Local Law 1 of 2016”.

Section 2. Purpose, Intent and Enactment of Moratorium

Pursuant to the statutory powers vested in the Town of Byron to regulate and control land use in order to protect the health, safety and welfare of its residents the Town Board of the Town of Byron hereby declares a twelve (12) month moratorium on the acceptance of applications of Special Use permits for Solar Energy Systems, ground mounted and issuance of building permits for Solar Energy Systems, attached pursuant to Town of Byron Local Law 1 of 2016, and hereby amends the Code of the Town of Byron to provide for such moratorium.

Whereas, Local Law 1 of 2016 was adopted by the Town Board of the Town of Byron in order to permit and closely regulate solar energy systems in the Town of Byron; and

Whereas, the Town of Byron is a community with abundant agricultural land desirable to persons or entities seeking to develop solar energy systems; and

Whereas, the Town of Byron adopted a revised comprehensive plan on January 9, 2019 with the stated goals of: preserving the agricultural base – land and farm operations; maintaining the rural character of the Town; and encouraging green energy; and

Whereas, the Town of Byron agricultural economy and the market of renewable energy continue to evolve. It is necessary from time to time to modify Town regulations to better suit current economic conditions and community needs to insure both the Town economy and residents’ quality of life are maintained and enhanced; and

Whereas, the zones in which the issuance of such building permits and Special Use Permits for solar energy systems are currently permitted may be too numerous so that the ability of the Town of Byron to protect the health, safety and welfare of its residents is adversely affected; and

Whereas, it is possible that the zones in which the issuance of such building permits and Special Use Permits for solar energy systems are currently allowed may be so numerous that the continued vitality of other commercial and agricultural uses in the Town of Byron may be adversely affected and;

Now, for the foregoing reasons the Town Board of the Town of Byron hereby enacts a 12 month Moratorium on the acceptance of applications for building permits and Special Use Permits for solar energy systems pursuant to Town of Byron Local Law 1 of 2016 and the Code of the Town of Byron is hereby amended to provide for such Moratorium.

### Section 3. Scope of Controls

During the effective period of this Local Law, the Code Enforcement Officer and/or the Town Planning Board shall not issue any new building or Special Use Permits pursuant to Local Law 1 of 2016.

### Section 4. Term

The moratorium imposed by this Local Law shall be in effect for a period of twelve (12) months from the effective date of this Local Law.

The Board of the Town of Byron may, by additional Local Law, extend the moratorium period for a period not to exceed six (6) months or, alternatively, terminate said moratorium prior to its expiration.

### Section 5. Validity

The invalidity of any provision of this Local Law does not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

### Section 6. Effective Date

This Local Law shall take effect immediately upon its adoption by the Town Board of the Town of Byron and the filing thereof with the New York Secretary of State.

### Public Comments:

**Candy Hensel** – If the Planning Board gets new law done prior to the stipulated one year moratorium can the moratorium be lifted?

**Attorney Paul Boylan** – It would be up to the Town Board

**Councilwoman Fuller** – Does the moratorium stop the process for people that have already come to the Planning Boards it stop process?

**Attorney Paul Boylan** – Yes, it's a blanket moratorium

**Councilman Kent** – The moratorium does not cover the Excelsior project because it is an Article 10 proceeding and the Siting Board can determine whether to follow the local law or not, but smaller projects that may come in would have to follow the local law.

**Tom Schelemanow** - What are setbacks?

**Supervisor Yasses** - The setbacks are being discussed at the Planning Board meetings

George Squires – 250- 300 ft. is what they're looking at, but these do not apply to Excelsior project

**Keddy Chandran, Next Era** – They are listening to people's concerns and they intend to follow what the Planning Board decides.

**Maureen Fink** – What is the start date?

**Keddy Chandran, Next Era** – It would enter commercial operation in 2022. Field studies and other studies being done now then the application will be submitted, has not been finalized. There are meetings every Monday at 7:00 pm at the Byron Hotel

**Councilman Kent** – There is a portion of moratorium that he doesn't agree with. The law doesn't allow for easy descriptions for solar. The moratorium is on all solar, including solar attached to residential buildings, these aren't commercial systems and he feels they should not be included.

**Ken Steinmetz** – Would a variance be allowed?

**Councilman Kent** – No

**Rita Reding** – She agrees with Councilman Kent

**Ken Steinmetz** – Can the zoning law just be amended

**Attorney Paul Boylan** – Yes it can, but he doesn't think the Planning Board is in a position to make a recommendation. If the Town Board does not want the private panels included Paul would need to go back and redo the moratorium and the Town Board would need to hold another special meeting

**Councilman Zuber** – There has been a lot of debate over tier 3, and he doesn't think it will take a year to revise the law.

**Supervisor Yasses** – Rather than go through this process again, how long does George think before the PB will be done

**George Squires** – He hopes in 2-3 months

**George Squires** – Roof mounted systems are covered under building code and no applications are pending right now. In his personal opinion we don't need a moratorium.

**Steve Hohn** – Need to deal with the agriculture portion. Nothing in the laws regarding keeping land clean and free of weeds.

A **motion** was made by Councilwoman Fuller to close the Public Hearing at 7:50 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

**RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2020 – MORATORIUM ON SOLAR ENERGY SYSTEMS PURSUANT TO TOWN OF BYRON LOCAL LAW 1 OF 2016**

**RESOLUTION #30:**

Councilman Thompson offered the following resolution and moved for its adoption:

**Resolved**, that the Byron Town Board adopts Local Law No. 1 of 2020 entitled Moratorium on Solar Energy Systems Pursuant to Town of Byron Local Law 1 of 2016.

Councilman Zuber seconded the resolution which was adopted by the following vote:

Vote:                   Ayes: 4                   Nays: 1 (Councilman Kent)

**Councilwoman Fuller** – Is there a conflict if Councilman Zuber, Councilwoman Fuller and Councilman Kent vote?

**Attorney Paul Boylan** – No, it is a zoning issue not a solar issue, on other questions on solar energy process Councilwoman Fuller is conflicted, the County Board of Ethics is considering the other 2 and there is no decision from them, so if they feel they are not conflicted they have to vote on their consciences.

**Solar:**

**Jim Lamkin** – Representing BAAS (Byron Association Against Solar) – membership exceeds 150 members who are against Excelsior project in the Town of Byron. 945 households were sent fliers, 208 responses against solar. Requests that the Town of Byron goes on record as being against the solar project.

**Attorney Paul Boylan** – The siting board has in other instances agreed with the Town Board, but they do have the power to override the Town Board in whole in part.

**Barb Starowitz** – only 200 of 2500 sent back flier

**Emily Curran** – Which members of the Town Board have a conflict?

**Councilman Kent** – He has a family member that is in the project

**Councilwoman Fuller** – Has land leased to solar company

**Councilman Zuber** – Did not lease land to Excelsior, but is a member of BAAS and has land in the Town of Sweden that he has leased to a solar company and will have solar panels on it soon, has issue with using good farm land to put solar panels on

**Councilman Thompson** – He has no conflict

**Supervisor Yasses** – He has no skin in the game.

**Tom Schelemanow** – Can Excelsior do an overlay map showing solar panels?

**Keddy Chandran, Next Era** - Visual impact study will be done. Excelsior cares about the Town of Byron's input both positive and negative, for example lowering taxes and revenue to the school, town and county. They are at the meetings on Mondays at the Hotel and try to address as many questions as they can.

**Emily Curran** – Is there an official committee through the Town of Byron that represents the citizens?

**Attorney Paul Boylan** – the Town Board can form any committee it would like. They would not be eligible for the present intervener funding. More intervener funds will be available at a later date

**Steve Hohn** – Would it be connected to money that the town is getting since it involves the town

**Michelle Piaseda, Harris Beach, Attorneys for Next Era** – There is intervener funds for PSS (Preliminary Scoping System) and then more intervener funding may be awarded at the application stage when the application is submitted.

**Councilman Kent** – A committee was formed by Candy Hensel at the Byron Hotel and some members of the Town Boards attend and members of Excelsior to answer questions and to brain storm.

**Supervisor Yasses** – He would like Councilman Kent to be the representative of the Town Board to the meetings at the Byron Hotel on Monday nights

**George Squires** – The Planning Board has 2 alternate positions open. He is not convinced that this is a done deal and there is nothing that the Town can do. Excelsior can back out of the process at any time or the Siting Board can decide not to allow Excelsior to put the solar panels in. He believes there is state money available and the Siting Board is slanted towards the solar companies, but there is no guarantee.

**Keddy Chandran** – Next Era is actively pursuing all Article 10 processes they are involved in.

**Ben Raccuia** - Leader of the Senate has not made an appointment of an Ad Hoc member to the Siting Board and would encourage people to contact their senator.

**Keddy Chandran** – Next Era is a publicly traded company from Florida and that's where they get their money from. He would urge people to think of the benefits to the Town.

**Barb Starowitz** – The top suicide rate is by farmers because farmers can't survive on farming alone anymore, you have to protect the farmers that are trying to survive. Eric Zuber is opposed to the solar here but has land signed up in Sweden. Would the people rather see them put up a housing tract and then only they would benefit instead of the whole town.

**Ben Raccuia** – He would also like the Planning Board to look at writing laws for wind energy also.

\*At this point there was a 5 minute intermission allowing audience members to leave if they liked.

#### **PLANNING BOARD REPORT – George Squires:**

·Elected officers for 2020 – George Squires is Chairman and Jim Lamkin is Vice Chairman

·Discussed solar law and continue to make progress. Discussed setbacks.

·Meeting date has been changed from first Tuesdays to first Wednesdays. Next meeting is February 5, 2020.

A **motion** was made by Councilwoman Fuller to appoint Ed Zeitvogel as a permanent member of the Planning Board effective January 1, 2020 – December 31, 2024. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

A **motion** was made by Councilwoman Fuller to approve the Planning Board Report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                      Ayes: 5                      Nays: 0

**SEWER REPORT:**

***Monthly:***

- Checked and maintained all filter bed pumps (N, S+C)
- Keeping track of pump hours on all pumps including Old School House, Walkers Corners and McElver Street lift station
- Took monthly samples

***Other:***

- Replaced flow meter in South Byron.
- Did extra EFF sampling at North and South Byron for the DEC pertaining to disinfection.

**Scott Mattison, MRB Group** – The Town has received a \$30,000 grant for MRB Group to prepare a Preliminary Engineering Report to be used to apply for grant for disinfection of the sewer filter beds.

A **motion** was made by Councilwoman Fuller to approve the Sewer Report as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**HIGHWAY SUPERINTENDENT’S REPORT:**

- Trying to get things straightened out
- Looking to purchase salt spreader from George and Swede to replace one that was purchased when Bud Cudney was Highway Superintendent. Checked with NYSDOT and they are going to augers.

**PURCHASE OF SANDER BOX**

**RESOLUTION #31:**

Councilman Zuber offered the following resolution and moved for its adoption:

***Resolved,*** that the Byron Town Board approves the purchase by the Highway Superintendent of a Smith Metal Stainless Steel Sander Box in the amount of \$15,500.00 from George & Swede Sales and Service, Inc.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote:           Ayes: 5           Nays: 0

A **motion** was made by Councilwoman Fuller to approve the Highway Superintendent’s Report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**CEO/ZEO REPORT – Mike Morris:**

- A copy of the report is on file with the CEO/ZEO

A **motion** was made by Councilman Thompson to approve the CEO/ZEO Report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**PARK COMMITTEE REPORT –George Squires:**

- Meets tomorrow night

A **motion** was made by Councilwoman Fuller to approve the Park Committee Report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**HISTORICAL SOCIETY REPORT:**

·Bicentennial meeting January 16<sup>th</sup> at 7:00 p.m. at the Town Hall.

A **motion** was made by Councilman Thompson to approve the Historical Society Report as given. The motion was seconded by Councilman Kent and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**ABSTRACTS**

**RESOLUTION #32:**

Councilwoman Fuller offered the following resolution and moved for its adoption:

***Resolved***, that the Byron Town Board pay the following abstracts:

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#1	#1 - #23	\$109,707.59
Highway Fund	#1	#1 - #11	\$ 9,862.86
Sewer Fund	#1	#1 - #3	\$ 4,045.60
Water District No. 7	#1	#1 - #3	\$ 71,577.52

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote:           Ayes: 5           Nays: 0

**TOWN CLERK'S REPORT:**

Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 43.00
Paid to DEC for Hunting and Fishing Licenses.....	\$ 28.34
Paid to State Health Department for Marriage Licenses.....	\$ 22.50
Paid to the Town of Byron Supervisor.....	<u>\$2,302.26</u>
Total Disbursed for December 2019.....	<u>\$2,396.10</u>

A **motion** was made by Councilwoman Fuller to approve the Town Clerk's Report as given for December, 2019. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**FINANCIAL REPORT:**

·The December 2019 Financial Report was reviewed.

A **motion** was made by Councilman Kent to approve the December 2019 Financial Reports. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**SUPERVISOR'S REPORT:**

**Board of Assessment Review:**

·As of January 1, 2020 there is an opening on the Board of Assessment Review. They meet once a year in May. Roger Rouse is the only person that has applied.

A **motion** was made by Councilman Thompson to appoint Roger Rouse to the Board of Assessment Review for a five year term from January 8, 2020 – September 30, 2024. The motion was seconded by Councilwoman Fuller and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**Waste Management Contract:**

·Contract expired on December 31, 2019 and needs to be renewed.

**WASTE MANAGEMENT CONTRACT**

**RESOLUTION #33:**

Councilman Zuber offered the following resolution and moved for its adoption:

***Resolved***, that the Byron Town Board approves the contract for refuse and rolloff services between the Town of Byron and Waste Management from January 1, 2020 to December 31 2020.

Councilwoman Fuller seconded the resolution which was adopted by the following vote:

Vote:           Ayes: 5           Nays: 0

A **motion** was made by Councilman Kent to approve the Supervisor's Report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

**OTHER BUSINESS:**

**WATER DISTRICT NO. 7**

·Complete at this point. There is an 11 month walk through

**WATER DISTRICT NO. 8**

·Complete

**WATER IMPROVEMENT BENEFIT AREA NO. 1:**

·Heard from USDA that they have recommended the project and approved of the Preliminary Engineering Report. When we hear from USDA on funding there will have to be a Public Hearing and informational meeting.

**PUBLIC COMMENTS:**

None

**EXECUTIVE SESSION:**

A **motion** was made by Councilwoman Fuller to go into executive session for a personnel matter at 9:32 p.m. The motion was seconded by Councilman Zuber and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

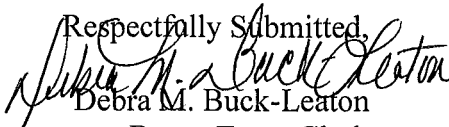
A **motion** was made by Councilwoman Fuller to come out of executive session at 10:00 pm. The motion was seconded by Councilman Thompson and carried with the following vote.

Vote:           Ayes: 5           Nays: 0

**ADJOURN:**

A **motion** was made by Supervisor Yasses to adjourn the Byron Town Board Meeting at 10:01 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:           Ayes: 5           Nays: 0

Respectfully Submitted,  
  
Debra M. Buck-Leaton  
Byron Town Clerk



**Town of Byron Town Board Meeting**  
**January 8 2020**

<u>Name</u>	<u>Address</u>
1. <u>Ken Hengeman</u>	<u>7248 Iverson Rd.</u>
2. <u>Lynn Strzelecki</u>	<u>" "</u>
3. <u>Paul Smith</u>	
4. <u>Steve Zick</u>	<u>7310 Cockburn Rd.</u>
5. <u>Tim Lamb</u>	<u>6969 Linn Rd Byron</u>
6. <u>Maura Rink</u>	<u>6272 Wallas Cornes</u>
7. <u>Dan Fiak</u>	<u>" "</u>
8. <u>David + Gayla Starowitz</u>	<u>7223 Caswell Rd.</u>
9. <u>Beta Keding</u>	<u>6394 Freeman Rd</u>
10. <u>Tom Keding</u>	<u>6394 Freeman Rd</u>
11. <u>Deane Dutton</u>	<u>7078 Byron Rd</u>
12. <u>Bryan Dutton</u>	<u>7078 Byron Rd</u>
13. <u>Ken Stamm</u>	<u>5866 N Byron rd</u>
14. <u>Nancy Engle</u>	<u>6161 Tower Hill Road</u>
15. <u>Eric Richenberg</u>	<u>6112 Byron. Elk Rd.</u>

**Town of Byron Town Board Meeting**  
**January 8 2020**

	<u>Name</u>	<u>Address</u>
16.	Barb Marshall	6511 Cockram Rd
17.	Keith Marshall	6511 Cockram Rd
18.	Vic DiGregorio	Worboys Rd
19.	Marcie Stone	6662 Cockram Rd
20.	Rick Stone	6662 Cockram Rd
21.	Katlyn Maehar	6469 Swamp Rd lot 44
22.	Eddie Zentogel	11
23.	George Squires	6860 McElver St
24.	Corky Shaw	5927 Rt 262
25.	Candace Hunt	6927 Swamp Rd
26.	Bobby Starowitz	Bank St Rd
27.	Garrett + Val Rusin	Cockram Rd
28.	Michelle Piasecki	Harris Beach
29.	KERRY CHANDRAN	NEXERA
30.	Dana Barrum	6861 Terry St

**Town of Byron Town Board Meeting  
January 8 2020**

<u>Name</u>	<u>Address</u>
31. Emily Curran	5929 Cook Rd Byron
32. Sue Cokley	61716 Merrill Rd. Byron
33. Dawn Clark	5802 Cockburn Rd. Byron
34. Daniel Clark	" " " "
35. David Kent	6369 Randall LeRoy
36. Charlene Boas	6427 Mill Pond Rd.
37. Dan Boas	" " " "
38. Michael	7164 Rt. 237
39. Tom Schekmanan	6558 Rt 237
40. BEU RACCUSA	WATBOYS RD
41.	
42.	
43.	
44.	
45.	