



TOWN OF PARMA

1300 Hilton Parma Road
P.O. Box 728
Hilton, New York 14468
Office (585) 392-9462
Fax (585) 392-6659

TOWN BOARD MEETING
NOVEMBER 8, 2023
6:30 P.M.

James Roose
Supervisor
Linda M Judd
Councilperson
Tina Brown
Councilperson
David Ciufu
Councilperson
Mark Acker
Councilperson

This Meeting Will Be Recorded by the Town Clerk

Pledge of Allegiance

Moment of Silence

Emergency Exit Instructions

Roll Call

- PUBLIC HEARING:
1. 2024 Budget & Special Districts
 2. Local Law #5-2023 Temporary Moratorium – Solar
 3. Dissolution of 26 & 30 Dunbar Road – Sanitary Sewer District

Minutes of October 17, 2023 Town Board Meeting

Town Clerk Report

Highway Superintendent Report

Parks and Recreation Director Report

Building Inspector Report

Library Report

PUBLIC FORUM:

- BUSINESS ITEMS:
1. Adopt 2024 Town Budget
 2. Resignation of Joe Silivestro
 3. Asset Disposal – Town Clerk Monitor
 4. Approval to Rehire Dan Eichas & Ty Kelly – Weekends Starting 12/01/23
 5. Resignation – Paul Eichas – Deputy Highway Superintendent
 6. Approval to Post MEO Position-December Start Date
 7. Approval of Contract with the Burke Group
 8. 2024 Fireworks Show Procurement
 9. Approve Temporary Signs for Boy Scouts

INFORMATIONAL ITEMS:

LIAISON REPORTS

WARRANT:

ADDITIONAL INFORMATION:

ADJOURNMENT:

"This institution is an equal opportunity provider, and employer. To file a complaint of discrimination, write:
USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410,
or call (800) 795-3272 (voice) or (202) 720-6382 (TDD)"

TEMPORARY MORATORIUM ON SOLAR ENERGY USES
INTRODUCTORY LOCAL LAW #5-2023

A local law entitled: A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON CERTAIN LAND AND CERTAIN SOLAR ENERGY USES IN THE TOWN OF PARMA.

BE IT ENACTED by the Town Board of the Town of Parma, Monroe County, New York as follows:

SECTION 1. TITLE OF LOCAL LAW

This local law shall be entitled “A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON CERTAIN SOLAR ENERGY USES IN THE TOWN OF PARMA.

SECTION 2. PURPOSE AND INTENT

The purpose of this Local Law is to protect the public health, safety, and welfare of the residents of the Town of Parma and to maintain the status quo as to certain solar energy uses, as the present zoning regulations in the Tonw do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates if occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Parma Zoning Code concerning this use.

SECTION 3. AUTHORIZATION

This local law establishes a temporary moratorium on certain land development applications that are pending or may be subsequently filed with the Town of Parma (this local law shall be referred to herein as the “Moratorium”). This local law is enacted pursuant to Article IX of the NYS Constitution, the authorizations established in the NYS Municipal Hime Rule Law, the relevant provisions of the NYS Town Law, and the general police powers vested with the Town of Parma (the “Town”) to promote the health, safety, and welfare of all of the residents and property owners in the Town.

SECTION 4. LEGISTLATIVE FINDINGS

The Town of Parma Town Board does hereby find that without a temporary halt on the processing, permitting, and approvals for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 5. MORATORIUM IMPOSED; APPLICABILITY.

For a time period of six (6) months following the effective date of adoption of this Local Law, no new application may be processed, and no permits, certificates of occupancy, approvals, denials, determinations, or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to solar farms, including those applications already received.

The term “land uses relating to solar energy” shall be broadly construed to include any facility designed to generate electric power to be marketed, sold, or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

The term “solar farm” shall mean “a collection of solar panels covering one-quarter (1/4) acres or more of land that are designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use, or municipal buildings, or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Parma. During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis, and, if warranted, revisions to the Town of Parma Code. During the period or moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for land uses relating to solar energy as described above.

SECTION 6. TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

SECTION 7. EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

SECTION 8. WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

SECTION 9. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 10. APPEAL PROCEDURE

The Town Board shall have the authority to vary or waive the application of any provision of this local law, in its legislative discretion, upon its determination that such variance or waiver is required to alleviate an unnecessary and/or unique hardship affecting a lot. In reviewing such a request, the Town Board may consider:

- I. Whether the variance or waiver will adversely affect the purpose of the Moratorium, the health, safety, or welfare of the Town or will substantially undermine the land-use planning and potential revision process under review.
- II. The Town Board may take into account the existing land use in the immediate vicinity of the property, whether the lot is vacant or developed, the impact of the variance or waiver on infrastructure, neighborhood, and community character, community planning goals and objectives, natural resources, government services, and other environmental issues.
- III. A proposed project must comply with all other applicable provisions of the Town's Local Laws and Town Code.
- IV. Whether the Moratorium would leave the property owner or applicant completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.

Any application for a variance or waiver shall be filed with the Town of Parma Town Clerk and shall include a fee of five hundred (\$500.00) dollars for the processing of such an application.

An application for a variance or waiver shall contain the complete details of the proposed project. To the extent that the Town Board requires a consultant to assist in reviewing such application, it may also require the applicant to pay the reasonable costs of such consultant. Any consultant shall be selected at the sole discretion of the Town Board.

In the sole discretion of the Town Board, the Board may refer any application for a variance or waiver of this local law to any official, department, and/or land use board for a recommendation. The Town Board shall not be bound by any recommendation of any official, department, or land use board and shall conduct a public hearing and make a final decision on the application, with or without conditions. The Town Board shall render a decision on an application for a variance or waiver of the Moratorium within sixty (60) calendar days of the Town Clerk's receipt of a complete application.

The Town Board shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of the Moratorium. In the event the Town Board determines to approve such application, the applicant may seek approvals from the relevant officials and/or land use boards under the terms set forth within the Town Board's decision.

SECTION 11. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

RESOLUTION AND FINAL ORDER

INTRODUCED BY:

SECONDED BY:

**RESOLUTION AND FINAL ORDER
DISSOLVING THE 26 & 30 DUNBAR ROAD SANITARY SEWER DISTRICT**

In the Matter of the Petition for the Dissolution of the 26 & 30 Dunbar Road Sanitary Sewer District in the Town of Parma, Monroe County, New York.

WHEREAS, a written Petition in this matter, dated ___ day of October, 2023 requesting the Town to Dissolve the 26 & 30 Dunbar Road Sanitary Sewer District, created by the Parma Town Board by Resolution and Final Order dated July 18, 2023, and an Order having been adopted by the Town Board on _____, 2023, calling for a hearing of all interested persons in the matter on _____ at __:00 p.m. at the Parma Town Hall, and due notice of said hearing having been given by publication and posting, and a hearing by the said Board having been duly held at __:00 p.m. on _____ at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York, Town of Parma, and it being duly

FOUND, ORDERED AND DETERMINED, that (1) Petition herein was signed and acknowledged or proved as required by law and otherwise sufficient; (2) that all property and property owners within the proposed district were benefited thereby; (3) that all property and property owners benefited were included within the limits of the proposed District; and (4) that it is in the public interest to grant in whole the relief sought, and it is further duly

RESOLVED, ORDERED AND DETERMINED, that dissolving of such District, as proposed, be approved, it is hereby

ORDERED, that the 26 & 30 Dunbar Road Sanitary Sewer District in the said Town of Parma, Monroe County, New York, of which the description and boundaries are:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Parm, County of Monroe and State of New York, as shown on a map entitled "Dunbar Road Sewer District" prepared by Adam Cummings, P.E. and dated June 2023, and bounded and described as follows:

Commencing at the Point of Beginning ("POB") located at the southeastern corner of parcel identified as Tax Parcel 024.01-1-23 and the northern boundary of Dunbar Road, as shown on the Sheet 1 showing the Town of Parma Dunbar Road Sewer District, dated June 2023;

1. Thence, northerly along the easterly boundary of Tax Parcel 024.01-1-23;
2. Thence, westerly along the northerly boundary of Tax Parcel 024.01-1-23;

3. Thence, southerly along the western boundary of Tax Parcel 024.01-1-24;
4. Thence, easterly along the southern boundary of Tax Parcels 024.01-1-24 and 024.01-1-23, to the Point of Beginning.

Is DISSOLVED.

ORDERED, that within ten (10) days of enactment of this Order by the Town Board of the Town of Parma, a copy of this Order shall be recorded in the Monroe County Clerk's office and a copy shall be filed with the Department of Audit and Control pursuant to Section 195 of the Town Law.

Vote of the Board:

Ayes:

Nays: