

Minutes of the Town of Sennett Town Board Meeting Held on Thursday, November 16, 2023, at 6:30 PM at the Sennett Town Office Building.

Members Present: Thomas Blair, Supervisor
Richard Gagliardi, Councilman
Michael Wellauer, Councilman
Edward Rizzo, Councilman
Robert Edmunds, Councilman

Also Present: Kristopher LaPointe, Highway Superintendent
Kristopher LaPointe, Water & Sewer Superintendent
Cheri Major, Bookkeeper
Harold Gilfus, Code Enforcement Officer
Kathleen Salisbury, Town Clerk

Others Present: Jim Vivenzio, Jeff Harris, Bruce Babilot, Jim Jeffers,
Rusty Tierney, Ed Magdziak, Ben Klein, Jonathan Karp, Brandon
LaSagna, Dave Butera, William Feocco

Remotely: Rich Andino (Atty), Emilio Moran (MRB), Tom Gray, Kyle

CALL TO ORDER - The meeting is called to Order at 6:32 p.m. by Supervisor Blair.

PLEDGE OF ALLEGIANCE - The meeting is opened with the pledge to the flag, followed by a prayer by Supervisor Blair.

ROLL CALL - Town Clerk Salisbury opens the meeting with a Roll Call, Councilman Gagliardi, Councilman Wellauer, Councilman Rizzo, Councilman Edmunds, and Supervisor Blair are present.

APPROVAL OF MEETING MINUTES - Meeting Minutes for October 19, 2023 are reviewed and approved by the Board, motion made by Councilman Edmunds and seconded by Councilman Gagliardi; 5 ayes 0 nays 0 absent. Carried.

PUBLIC HEARING - Supervisor Blair advises there are three public hearings on the agenda.

1 - 2024 Town Budget

Motion to open public hearing by Councilman Gagliardi, seconded by Councilman Wellauer regarding 2024 Final Budget adoption for fiscal year 204 at 6:34 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried.

Bookkeeper Major advises of two adjustments necessary to the preliminary budget.

- a. There is an adjustment for independent audit for additional \$4,000 in audit fees for a total of \$20,000 to include Water District 1&3 State Review and own audit.

- b. Additional of revenue for WD 1&3 new water meter charges collecting ½ in 2024 and ½ in 2025.

There were no comments from the public.

Motion to close public hearing by Councilman Edmunds, seconded by Councilman Rizzo regarding 2024 Final Budget at 6:38 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried.

2 - Local Law E of 2023 - A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett

Motion to open public hearing by Councilman Edmunds, seconded by Councilman Gagliardi regarding Local Law E-2023, A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett at 6:39 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried.

Supervisor Blair advises that this local law will be incorporated into the Zoning Law that is currently under revision. There were no comments from the public.

Motion to close public hearing by Councilman Edmunds, seconded by Councilman Rizzo regarding Local Law E-2023, A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett at 6:41 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried.

3 - Local Law F of 2023 - A Local Law Imposing a Twelve (12) Month Moratorium on the Filing, Acceptance, Review and Approval of Subdivisions Greater than Three (3) Lots within the Town of Sennett

Motion to open public hearing by Councilman Rizzo, seconded by Councilman Wellauer regarding Local Law F of 2023 - A Local Law Imposing a Twelve (12) Month Moratorium on the Filing, Acceptance, Review and Approval of Subdivisions Greater than Three (3) Lots within the Town of Sennett at 6:42 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried. This local law pertains to water quality issues, supply.

Public comment: Jonathan Karp, attorney for Long Lake subdivision, addresses the Board regarding the proposed Local Law, which directly affects his client's application and requests on behalf of his client to exempt his client's pending application.

There were no further comments from the public.

Supervisor Blair advises that the Cayuga County GML 239 Review Committee "Determined that the action appears to have no intermunicipal concerns and to be of local concern only." In addition, Planning Board Chairman Leamy provided Supervisor Blair with an email stating, "I think the lot moratorium makes sense at this time as well..... That's another area of huge growth as you know with micron and the spin off companies. I would say the planning board as a whole supports those moratorium's at this time." The County GML determination and e-mail from Chairman Leamy will be made part of the record and are included at the end of the minutes.

Supervisor Blair also advised that he spoke with Long Lake's engineer two months ago with regard to upcoming water infrastructure in the Town of Skaneateles and it is unknown how that may impact the applicant. In addition, Supervisor Blair and Attorney Andino advised a waiver process can be undertaken as part of the proposed local law. Nothing further from the public.

Motion to close public hearing by Councilman Rizzo, seconded by Councilman Edmunds regarding Local Law F of 2023 - A Local Law Imposing a Twelve (12) Month Moratorium on the Filing, Acceptance, Review and Approval of Subdivisions Greater than Three (3) Lots within the Town of Sennett at 6:52 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried.

SCHEDULED SPEAKERS

MRB - The report from MRB was in the Board's packet. Emilio advised that the WD 1&3 project is substantially complete and under budget. The water tower will remain and not be demolished. Due to this change, the remaining contingency funds could be used for WD 1&3 supplies and GIS mapping services to locate all water mains and sewer infrastructure.

PUBLIC BE HEARD - Motion is made by Councilman Wellauer to open the Public Be Heard Period, seconded by Councilman Gagliardi. All in favor. 5 ayes 0 nays 0 absent, carried.

Rusty Tierney addresses the Board regarding his concerns at Sennett Meadows and transients wandering in the neighborhood area. Supervisor Blair advises many conversations have been had with the owners of the facility. Mr. Tierney further advises that a light near 6621/6622 Butera is out and needs to be fixed.

Jeff Harris addresses the Board regarding the hospitality overlay district and the status of the committee meetings.

Ben Klein, owner and applicant regarding Long Lake subdivision addresses the Board regarding his current application and requests an exemption for his application. Attorney Karp again requests an exemption from the moratorium.

Jim Jeffers asks if the highway superintendent referendum passed or not on election day. He was advised it did not. Bruce Babilot is the newly elected Highway Superintendent.

Dave Butera asks the Board if Sennett Meadows is holding up their end of the application agreement of age limits, percentages, etc.

With no further public comments, a motion to close is made by Councilman Edmunds and seconded by Councilman Wellauer at 7:17 p.m. All in favor. 5 ayes 0 nays 0 absent, carried.

DEPARTMENT REPORTS

a. Attorney – Attorney Andino prepared the two moratoriums and covered earlier in meeting.

LL E of 2023 – Solar Moratorium

LL F of 2023 – Subdivision Moratorium

Solar Overlay District status - work session will be held on 11/28/23 at 6pm.

Sennett Meadows – Mr. Andino is still conducting research.

Cold War Veteran Exemption possible law – tabled to December

- Vote on Adoption of Final Budget for 2024 – Received and approved the final budget adjustments and the public hearing has been held. No further discussion.

A motion is made by Councilman Gagliardi, seconded by Councilman Wellauer to approve the Final Budget 2024 as submitted with adjustments made today. With no further discussion, a roll call vote is taken.

Roll Call Vote

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried.

- Vote on Adoption of Local Law E of 2023 – A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett. An enactment resolution is presented for approval.

Councilman Edmunds makes a motion to accept the enactment Resolution and adopt Local Law E-2023, A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett, seconded by Councilman Rizzo. With no further discussion. All in Favor. 5 Ayes 0 Nays 0 Absent, carried.

Enactment Resolution at end of minutes.

- Vote on Adoption of Local Law F of 2023 – A Local Law Imposing a Twelve (12) Month Moratorium on the Filing, Acceptance, Review and Approval of Subdivisions Greater than Three (3) Lots within the Town of Sennett. An enactment resolution is presented for approval.

Councilman Rizzo makes a motion to accept the enactment Resolution and adopt Local Law F-2023, A Local Law Imposing a Twelve (12) Month Moratorium on the Filing, Acceptance, Review and Approval of Subdivisions Greater than Three (3) Lots within

the Town of Sennett, seconded by Councilman Wellauer. With no further discussion. All in Favor. 5 Ayes 0 Nays 0 Absent, carried. Enactment Resolution at end of minutes.

- b. **Bookkeeper** – Budget adjustments discussed earlier. Bookkeeper Major further advises an additional adjustment is needed for Office of the Aging Meals on Wheels who is requesting a contribution of \$700, the current budget is amount \$600. They served 1,723 meals to 15 residents last year.

A motion is made by Councilman Wellauer, seconded by Councilman Edmunds to authorize an additional \$100 for Office of the Aging for a total of \$700. With no further discussion, a roll call vote is taken.

Roll Call Vote

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried.

- c. **Planning Board** – Supervisor Blair advised, on behalf of Chairman Leamy, that the car dealership matter before the Planning Board has slowed due to DEC involvement and the subdivision application before the Board will be impacted by the moratorium law passed earlier in the meeting. There are many inquiries, but no applications yet received.
- d. **Codes/Fire Marshal** – Code Enforcement Officer Gilfus advised his report was in the Board’s packet. Issued 11 permits, 80 year to date through end of October. 10 inquiries. 8 Certificates of Compliance. He has been following up on previously issued permits. Has done 42 site visit inspections, 3 fire/safety inspections.
- e. **Zoning Enforcement Officer** – Councilman Wellauer read the report of Zoning Officer VeVone who has been working on Digester jurisdiction, storage units, new dog boarding business, complaints, and working with Codes on matters.
- f. **Assessor** – Councilman Rizzo read the report of Assessor Lowe who has been entering building permits, sale information and exemptions into the County database.
- g. **Fire Dept.** – Supervisor Blair advised he met with the Chief regarding ambulance services going forward. Supervisor Blair will be attending future meetings regarding same.

- h. Highway Dept.** - Highway Superintendent Kristopher L. LaPointe advised his report was in the Board's packet. There are candidates that can be interviewed next week. There is highway budget training in November that he will attend. The salt shed materials have been ordered. The residents are happy with the speed signs on Franklin Street, traffic seems to slow. The Butera lighting district is a private district. He will again contact someone for repairs.
- i. Water Dept.** - Water Superintendent Kristopher A. LaPointe's report was in the Board's meeting packet for their review. Changed out the Quincy Hill Pump Station. Training for new meters will be in early December. Vitale service has been completed. WD 1&3 items for supply, valves, hydrant pumps.
- j. Town Clerk** - Town Clerk Salisbury advised the October 2023 monthly report was in the Board's meeting packet for their review. Fees received of \$2,446.00 for 16 dog licenses, 7 building permits, 2 death certificates and 8 decals, with the amounts disbursed to the Supervisor in the amount of \$1,962.32, \$16.00 to the NYS Animal Population Control Program, and \$467.68 for decals. In addition, there were 3 Accessible Parking Permits assigned to residents in need.
- k. Dog Control Officer** - Councilman Edmunds read the report provided by FLDPA. Continues to work with Mr. Collier about finding a replacement. Received complaints on two loose dogs. Memo posted at one home, letter mailed to another.
- l. Committees**
- *Parks & Rec* - There will be a meeting later in the month to discuss.
 - *Veteran Affairs* - Ed Magdziak advised a meeting will be held on 11/25. Supervisor Blair advises Air Force Veteran Tony Clubine is painting the mural in the meeting/court room. Memorial Park improvements will be moved to the Spring.

OLD BUSINESS

- E-Code 360 codification project status - in progress.
- Veteran Affairs/Historian Office project update (furniture stage) - ordered.
- Water & Sewer Rate studies - on hold
- Animal Control - replacement needed - discussed earlier in meeting
- Salt Barn insurance settlement (construction status) discussed earlier in meeting.
- Town Hall capital needs (ongoing) - continued
- Town branding & marketing project (final choices) - will put a notice in next newsletter for a slogan contest.
- Town Employee Handbook review (Rick Gagliardi) - more work to be done.
- Vehicle and Traffic Safety Signs status (roll out status) - discussed

earlier in meeting.

- Local Law re: First Responders (status of filing) – filed with DOS 10/02/2023
- MVA lawsuit County Line & NYS Route 20 – attorney advised he will be filing a motion to dismiss.

NEW BUSINESS

- Possible updates to subdivision law re: public water/wells – passed Moratorium earlier in meeting. Look into whether current subdivision law is sufficient.
- Civil Service updates – Councilman Wellauer spoke with Rachel at Civil Service regarding roster, the Town will need to update.
- Town records digitization – Supervisor advised the scanner has arrived. MRB has a grant writer for records digitization. New admin assistant has been hired to assist in this endeavor.
- AED purchases/replacements – Councilman Wellauer advises his research is more than current offer from CardiacLife.

A motion is made by Councilman Wellauer, seconded by Councilman Edmunds to authorize a purchase of an AED with pediatric pads at an amount not to exceed \$1,568.00. A further discussion is held to add an AED machine to the Highway Department.

An amended motion is by Councilman Wellauer to add a second AED at an amount not to exceed \$1,800 to include a wall mount case, seconded by Councilman Rizzo.

A roll call vote is taken.

Roll Call Vote

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried.

SUPERVISOR CORRESPONDENCE/REPORT -

SCAT Van - Supervisor Blair has a new 2024 contract.
A motion is made by Councilman Edmunds, seconded by Councilman Gagliardi to authorize Supervisor Blair, after review, to sign the 2024 contract for SCAT Van for a total of \$1,000. With no further discussion, a roll call vote is taken.

Roll Call Vote

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried.

EXECUTIVE SESSION (IF NECESSARY) -

Motion by Councilman Edmunds, seconded by Councilman Wellauer to enter into Executive Session at 8:24 p.m.

Motion by Councilman Edmunds, seconded by Councilman Wellauer to return from Executive Session at 9:20 p.m.

No action taken in Executive Session.

PAYMENT OF MONTHLY BILLS - Vouchers - Motion by Councilman Edmunds, seconded by Councilman Gagliardi to pay the vouchers with three or more signatures. With no further discussion, a roll call vote is taken:

Roll call vote:

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	Yes
Supervisor Blair	Yes

Motion carried. 5 ayes 0 nays 0 absent

MOTION TO ADJOURN MEETING - Motion to adjourn was made by Councilman Wellauer, seconded by Councilman Rizzo. All in favor. 9:21 p.m.

Respectfully submitted,

Kathleen Salisbury, Town Clerk
Town of Sennett

TOWN OF SENNETT

TOWN BOARD RESOLUTION

November 16, 2023

TOWN OF SENNETT LOCAL LAW NO. E-2023

("A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett")

The following resolution was offered by Councilor Edmunds, who moved its adoption, seconded by Councilor Rizzo, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law No. E-2023, titled "A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett," was presented and introduced at a regular meeting of the Town Board of the Town of Sennett held on October 20, 2023; and

WHEREAS, a public hearing was held on such proposed local law on November 16, 2023, by the Town Board of the Town of Sennett 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 Sennett in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on October 20, 2023 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. E-2023 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, the Town of Sennett Town Board has now determined that it is in the public interest to enact said Proposed Local Law No. E-2023.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Sennett, Cayuga County, New York, does hereby enact Proposed Local Law No. E-2023 as Local Law No. 4-2023 as follows:

“TOWN OF SENNETT
LOCAL LAW NO. 4-2023
A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM
ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV)
SYSTEMS WITHIN THE TOWN OF SENNETT

Be it enacted by the Town of Sennett Town Board, 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 Sennett to impose a six (6) month moratorium on commercial free-standing solar photovoltaic (PV) systems within the Town of Sennett.

SECTION 3. LEGISLATIVE PURPOSE.

In recent months, the Town has become aware of increasing interest by developers of larger scale solar energy system applications in the Town and surrounding areas, such that solar energy uses are becoming increasingly prevalent in the Town of Sennett at a commercial scale. Based upon this, the Town Board is of the opinion that a period of time is necessary to determine whether regulation of commercial freestanding solar power energy systems is necessary in order to preserve and protect the health, safety and welfare of its residents. Commercial free-standing solar power energy are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk. This moratorium will enable town officials to review and comprehensively address the various issues involved with these commercial level systems.

The Town recognizes the potential benefits and desirability of solar power and renewable energy sources but determines that time and study is necessary in order to determine if and how to properly regulate such installations. The Town Board deems this moratorium emergent and immediately necessary for the Town.

SECTION 4. DEFINITIONS.

COMMERCIAL FREE STANDING SOLAR PHOTOVOLTAIC (PV) SYSTEMS

A free standing solar photovoltaic (PV) system and area of land principally used to convert solar energy to electricity 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.

PERSON

The term person shall include any individual, partnership, association, corporation, landowner, lessee or licensee.

SECTION 5. MORATORIUM.

- A. The Town Board hereby enacts a moratorium which shall prohibit the placement, construction or erection of a commercial free standing solar photovoltaic (PV) system within the Town of Sennett and/or the processing or further processing of such applications.
- 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/land use districts and all real property within the Town.
- D. Commercial free-standing solar photovoltaic (PV) systems which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium. Those applications for such uses which have not received appropriate approvals from the Town's Zoning or Planning Boards are included in the moratorium.

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 of Sennett 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 commercial free-standing solar photovoltaic system 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 Sennett 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 affect 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 passage.”

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

Thomas Blair	Supervisor	Voted	Yes
Richard Gagliardi	Councilor	Voted	Yes
Robert Edmunds	Councilor	Voted	Yes
Michael Wellauer	Councilor	Voted	Yes
Edward Rizzo	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: November 16, 2023

TOWN OF SENNETT
TOWN BOARD RESOLUTION

November 16, 2023

TOWN OF SENNETT LOCAL LAW NO. F-2023

("A Local Law Imposing a Twelve (12) Month Moratorium on the Filing, Acceptance, Review and Approval of Subdivisions Greater than Three (3) Lots within the Town of Sennett")

The following resolution was offered by Councilor Rizzo, who moved its adoption, seconded by Councilor Wellauer, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law No. F-2023, titled "A Local Law Imposing a Twelve (12) Month Moratorium on the Filing, Acceptance, Review and Approval of Subdivisions Greater than Three (3) Lots within the Town of Sennett," was presented and introduced at a special meeting of the Town Board of the Town of Sennett held on October 30, 2023; and

WHEREAS, a public hearing was held on such proposed local law on November 16, 2023, by the Town Board of the Town of Sennett 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 Sennett in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on October 30, 2023 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. F-2023 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, the Town of Sennett Town Board has now determined that it is in the public interest to enact said Proposed Local Law No. F-2023.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Sennett, Cayuga County, New York, does hereby enact Proposed Local Law No. F-2023 as Local Law No. 5-2023 as follows:

“TOWN OF SENNETT

LOCAL LAW NO. 5 OF 2023

A LOCAL LAW IMPOSING A TWELVE (12) MONTH MORATORIUM ON THE FILING, ACCEPTANCE, REVIEW AND APPROVAL OF SUBDIVISIONS OF GREATER THAN THREE (3) LOTS WITHIN THE TOWN OF SENNETT

Be it enacted by the Town Board of the Town of Sennett 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 Sennett to impose a twelve (12) month moratorium on the filing, acceptance, review, and approval of subdivisions greater than three (3) lots within the Town of Sennett.

SECTION 3. LEGISLATIVE PURPOSE.

The purpose of this Local Law is to implement a moratorium on subdivisions of greater than three (3) lots, for a period of up to twelve (12) months, while the Town of Sennett considers zoning changes, the enactment of zoning measures, and amendments to the Town’s subdivision regulations to specifically address the impacts of subdivisions on natural resources in the Town and in particular impacts that subdivision have on wells, aquifers and groundwater supplies generally.

The Town desires to consider any recommended land use regulations that guide future residential and commercial land use developments in order to ensure that all projects are allowed, sited, and reviewed in congruence with the Town’s vision of the community, and to ensure that impacts are managed by appropriate land use regulations and resource protection laws and requirements. These may include measures that guide development within the boundaries of the Town in order to promote the goals and aspirations of the community.

In particular, the Town Board recognizes and acknowledges that the Town needs to study and analyze the impact of subdivisions on ground water supply and well water systems. The Town will review the development of regulations that will address, in a careful manner, the impact of subdivisions on the Town’s well water supply in order to adopt land use and subdivision regulations for provisions to specifically regulate the same.

The Town Board recognizes it is appropriate to provide a mechanism for property owners or sponsors of proposed development to seek relief from the

provisions of this moratorium upon showing of hardship, and a variance procedure has been provided in this local law for that purpose.

SECTION 4. MORATORIUM.

A. The Town Board hereby enacts a moratorium which shall prohibit the filing, acceptance, review, and approval of subdivisions and subdivision applications of greater than three (3) lots anywhere within the Town of Sennett.

B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this Local Law and shall expire on the earlier of (i) the date twelve (12) months from said effective date of this Local Law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating that 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 of Sennett.

D. Subdivisions which have previously been approved and/or are located on Town-owned property are hereby expressly excluded from this moratorium and may be operated in accordance with the approved plans. Further modification, enlargement and/or alteration of previously approved subdivisions are prohibited while the moratorium is in effect.

SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

A. The Town Board may waive the provisions of this moratorium upon the application of an owner of property upon which the proposed subdivision or site plan would have been permitted in the absence of this moratorium, provided that the applicant can demonstrate, and the Town Board can find, based upon competent evidence, that (1) the application of the moratorium to the applicant's property will cause the applicant substantial economic hardship; (2) the proposed use of the property will not harm the public health, safety and welfare, or cause adverse impacts to natural resources such as wetlands, streams, groundwater, aquifers or well water supplies; and (3) the proposed use of the property is consistent with the Comprehensive Plan of the Town of Sennett and compatible with the surrounding land uses.

B. The Town Board reserves for 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.

C. 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 attorneys' 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 New York State Town Law §267-b(2), in reviewing any application for relief.

D. 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.

E. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town's 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 6. PENALTIES.

Any person, firm or corporation that shall establish, place, construct, enlarge and/or erect any battery energy storage systems in violation of the provisions of this Local Law, or shall otherwise violate any 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 by-products which may have taken place in violation of this Local Law.

SECTION 7. ENFORCEMENT.

This Local Law shall be enforced by the Code Enforcement Office of the Town of Sennett 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 8. VALIDITY AND SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State. It shall remain in full force and effect for a period of twelve (12) months from the date of passage.”

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

Thomas Blair	Supervisor	Voted	Yes
Richard Gagliardi	Councilor	Voted	Yes
Robert Edmunds	Councilor	Voted	Yes
Michael Wellauer	Councilor	Voted	Yes
Edward Rizzo	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: November 16, 2023

DRAFT

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