

June 11, 2024

Regular meeting of the Town Board of the Town of Sparta was held June 11, 2024 at 7:00 pm.  
Members present: Supervisor Mark Schuster, Deputy Supervisor Deb Halpenny, and Bill Smith,  
Absent: Aaron Schreiner and Mary Ellyn Calabrese

Minutes of the May 15, 2024 meeting were read. A motion was made by Deb Halpenny and seconded by Bill Smith to accept the minutes. All voted yes. Carried.

Public hearing on Local Law 1-2024, a Local Law extending the temporary land use moratorium prohibiting large scale solar installations in the Town of Sparta for an additional six months was opened at 7:05 pm.

Public hearing on Local Law 2-2024, a Local Law establishing a six-month moratorium on applications, approvals and/or construction or installation of wind energy systems and/or wind farms and/or wind energy storage systems was opened at 7:05 pm.

Code Enforcement Officer Ron Maxwell reviewed his report.

Highway Superintendent Kevin Robinson reviewed his report.

Timber bid results are as follows:

- Trathen Logging Company \$57,445.00
- Double Aught Lumber Company \$53,178.00
- Two Rivers Timber Company \$40,200.00
- Lakeview Construction \$38,452.50
- Joe Barber \$22,000.00

A motion was made by Bill Smith and seconded by Deb Halpenny to award the bid to Trathen Logging Company for the amount of \$57,445.00. All voted yes. Carried.

**TOWN OF SPARTA  
RESOLUTION AUTHORIZING A BOND ANTICIPATION NOTE  
OF \$98,905.18 TO FINANCE THE PURCHASE OF M316 CATERPILLAR EXCAVATOR**

Adopted: June 11, 2024

**WHEREAS**, the Town Board of the Town of Sparta met at a regular board meeting at the Town Hall at 8374 Sparta Center Rd, Sparta, New York, on the 11<sup>th</sup> day of June 2024, commencing at 7:00 p.m., at which time and place the following members were:

- |          |  |   |
|----------|--|---|
| Present: | Supervisor<br>Councilperson<br>Councilperson | Mark Schuster<br>Deb Halpenny<br>Bill Smith |
| Absent:  | Councilperson<br>Councilperson               | Aaron Schreiner<br>Mary Ellyn Calabrese     |

**WHEREAS**, all Board Members, having due notice of said meetings, and that pursuant to Article 7, Section 104 of the Public Officers Law, said meetings were open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, the Town Board of the Town of Sparta seeks authorization to finance the purchase of the financing and purchase of a M316 Caterpillar Excavator (Serial number: KN47001) through a Bond Application Note (BAN No. 1 of 2024) for the amount of \$98,905.18; and

**WHEREAS**, the Town Board of the Town of Sparta seeks to retain the services of Special Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2024 from Five Star Bank, Tompkins Community Bank, Community Bank N.A., M & T Bank, and Greene County Commercial Bank; and

**WHEREAS**, the note date of the \$98,905.18 BAN No. 1 of 2024 shall be the 25th day of June 2024.

**NOW ON MOTION OF** Deb Halpenny which has been duly seconded by Bill Smith, now therefore be it

**RESOLVED**, that the Town Board of the Town of Sparta hereby authorizes the financing of a Bond Anticipation Note for the purchase of the M316 Caterpillar Excavator (Serial number: KN47001); and be it further

**RESOLVED**, that the above-mentioned note is being financed by the issuance of a Bond Anticipation Note, known as Bond Anticipation Note No. 1 of 2024 for \$98,905.18, for which the Town Supervisor shall execute all necessary documents for said transaction; and be it further

**RESOLVED**, that the Town Board of the Town of Sparta hereby retains the services of Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2024 from Five Star Bank, Tompkins Community Bank, Community Bank N.A., M & T Bank, and Greene County Commercial Bank.

Ayes 3  
Nays 0

All voted yes. Carried.

Supervisor Schuster declared the public hearings closed. No comment for or against said Local Laws were made.

A motion was made by Deb Halpenny and seconded by Bill Smith to adopt Local Law No. 1-2024 as attached:

**PROPOSED LOCAL LAW NO. 1 OF 2024**  
**A LOCAL LAW ENTITLED, “EXTENDING THE TEMPORARY LAND USE**  
**MORATORIUM PROHIBITING LARGE SCALE SOLAR INSTALLATIONS IN THE**  
**TOWN OF SPARTA FOR AN ADDITIONAL SIX MONTHS”**

Be it enacted by the Town Board of the Town of Sparta as follows:

**SECTION 1. TITLE**

This Local Law Shall Be Known As “Extending the Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations in the Town of Sparta for an additional six (6) months.”

**SECTION 2. AUTHORITY**

The Town Board of the Town of Sparta, pursuant to the authority of Municipal Home Rule Law of the State of New York, hereby enacts said article as follows.

**SECTION 3. PURPOSE AND INTENT**

The purpose of this local law is to extend the temporary land use moratorium which prohibits large scale solar installations in the Town of Sparta for six additional months, as deficiencies in the Towns Zoning Code which have been noted must be addressed.

The Town has also acknowledged that an additional six months will grant time to remedy any deficiencies within the Towns Zoning Code.

The purpose of this local law is to temporarily halt development of large-scale solar installations, for a period of six additional months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate large scale solar installations.

In the coming months, the Town will be diligently working towards the development of regulations that will address, in a careful manner, the establishment, placement, construction, enlargement and erection of large-scale solar installations on a comprehensive Town-wide basis and to adopt zoning regulations for provisions to specifically regulate same.

The Town Board is concerned with the potential impacts of future large-scale solar systems and believes it to be in the best interest of the Town of Sparta to establish a Local Law enacting an additional temporary six-month moratorium on the installation of any large-scale solar systems.

**SECTION 4. DEFINITIONS**

**Large Scale Solar Installations:** Any installation of solar panels, equipment and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party (which does not include any individual or business that directs such produced energy back into the public grid solely to offset their own energy consumption). Large Scale Solar Installations specifically DO NOT include any solar panel system or array undertaken by individual landowners, householders or farmers for their own personal use or the use of a business owned by them.

**SECTION 5. SCOPE OF CONTROLS**

A. During the effective period of this Local Law:

1. The Town Board of the Town shall not grant any approvals that would have as the result the establishment, placement, construction, enlargement or erection of commercial solar energy conversion devices/farms within the Town.
2. The Town Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, enlargement or erection of a commercial solar energy conversion devices/farms within the Town.
3. The Town Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of a commercial solar energy conversion devices/farms within the Town.
4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, enlargement or erection of a commercial solar energy conversion devices/farms within the Town.

B. The Town Board of the Town reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

#### **SECTION 6. NO CONSIDERATION OF NEW APPLICATIONS**

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

#### **SECTION 7. TERM**

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law.

#### **SECTION 8. PENALTIES**

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any commercial solar energy conversion devices/farms 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. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. 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 construction that may have taken place in violation of this Local Law.

#### **SECTION 9. VALIDITY**

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

**SECTION 10.           HARDSHIP**

- A.     Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B.     Procedure.
1.     Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town.
  2.     At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law.
  3.     If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

**SECTION 11.           REPEAL**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

**SECTION 12.           SEVERABILITY/VALIDITY**

In the event that any work phrase of part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

**SECTION 13.           EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section 27 of the Municipal Home Rule Law.

All voted yes. Carried.

A motion was made by Bill Smith and seconded by Deb Halpenny to adopt Local Law No. 2-2024 as attached:

**LOCAL LAW 2-2024 ESTABLISHING A SIX-MONTH MORATORIUM ON APPLICATIONS, APPROVALS, AND/OR CONSTRUCTION OR INSTALLATION OF WIND ENERGY SYSTEMS AND/OR WIND FARMS AND/OR WIND ENERGY STORAGE SYSTEMS**

**BE IT ENACTED** by the Town Board of the Town of Sparta as follows:

**SECTION 1. TITLE**

This Local Law shall be referred to as "Imposing a Six-Month Moratorium on Placement of Wind Energy Conversion Systems/Windmills in the Town of Sparta."

**SECTION 2. PURPOSE AND INTENT**

Pursuant to the statutory powers vested in the Town of Sparta (the "Town") to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Sparta hereby declares a Six-month moratorium on the establishment, placement, construction, enlargement and erection of wind energy conversion in the Town.

The Town has become aware of significant number of options, easements and leases being secured within the municipality by a number of companies for wind energy conversion systems/windmills. It is clear that applications for these facilities may be proliferating. The rapidly evolving technology and the unique location of several major wind corridors within the Town indicates that applications for the construction and location of wind energy conversion systems/windmills may be imminent.

The integration of these commercial facilities within the Town's existing pattern of predominantly residential and agricultural land use emphasizes the need for suitable siting, land use and zoning standards and controls with reference to wind energy conversion systems/windmills.

The Town of Sparta regulations presently fail to adequately regulate wind energy conversion systems/windmills in the face of present and anticipated applications and this represents a clear and obvious deficiency in the Town of Sparta's system of land use regulation.

The Town desires to address, in a careful manner, the establishment, placement, construction, enlargement and erection of wind energy conversion systems/windmills on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt a land use law for provisions to specifically regulate same.

**SECTION 3. SCOPE OF CONTROLS**

- A. During the effective period of this Local Law:
  - 1. The Town Board shall not grant any approvals that would have as the result the establishment, placement, construction, enlargement or erection of wind energy conversion systems/windmills within the Town.
  - 2. The Town Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, enlargement or erection of a wind energy conversion systems/windmills within the Town.
  - 3. The Town Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of a wind energy conversion systems/windmills within the Town.
  - 4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, enlargement or erection of a wind energy conversion systems/windmills within the Town.
- B. The Town Board reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

**SECTION 4. NO CONSIDERATION OF NEW APPLICATIONS**

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

**SECTIONS. TERM**

The moratorium imposed by this Local Law shall be in effect for a period of Six (6) months from the effective date of this Local Law.

**SECTION 6. PENALTIES**

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any wind energy conversion systems/windmills 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. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. 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 construction that may have taken place in violation of this Local Law.

**SECTION 7. VALIDITY**

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

**SECTION 8. HARDSHIP**

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such necessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law. A critical factor to the granting of such variance, is that it must be a single wind tower and related equipment and more than 51% of the energy produced is used or consumed upon the owner's property.
- B. Procedure.
  - 1. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town.
  - 2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law.
  - 3. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

**SECTION 9. REPEAL**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

**SECTION 10. SEVERABILITY/VALIDITY**

In the event that any work phrase of part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

**SECTION 11. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section 27 of the Municipal Home Rule Law.

All voted yes. Carried.

General bills were audited and approved for a total amount of \$6,457.01.  
Highway bills were audited and approved for a total amount of \$33,207.52.  
Street light bills were audited and approved for a total amount of \$295.94.

A motion was made by Bill Smith and seconded by Deb Halpenny to adjourn the meeting. All voted yes. Carried.

Next regular meeting will be held on July 9, 2024 at 7:00 pm.

TOWN CLERK  
Sheila Duffy