

TOWN OF STARK

County of Herkimer

State of New York

703 Elwood Road

Fort Plain, NY 13339

Richard Bronner, Supervisor
PO Box 45
Van Hornesville, NY 13475
315-858-2740, home phone
315-640-2677, cell

Anthony Grescheck, Jr., Councilman
John H. Voght, Councilman
Emil Ziaja, Councilman
Joseph Hubiak, Councilman
David Hajczeski, High Supt.

Lynn Rogers, Clerk
703 Elwood Road
Fort Plain, NY 13339
518-993-3506
518-993-3606 Ph/fax

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INTRODUCTION

This is the Spring 2024 edition of the Town of Stark Newsletter. We hope this newsletter finds you healthy and safe. We hope you find these newsletters to be both useful and informative. Our purpose is to keep residents and taxpayers up to date on the happenings of the Town of Stark. We welcome your input on these newsletters. If you have a comment or question on the contents, please contact any member of the Town Board.

2024 SPRING DUMPSTER DAY

The spring trash collection day will be held Saturday May 11, 2024 from 9:00 AM until 1:00 PM at the Town of Stark Highway Department Garage in Starkville. We will **NOT** be taking tires on this day. Household hazardous waste, batteries or garbage are not to be collected on dumpster day but can be disposed of at the recycling Center in Utica. All trash will be placed in dumpsters and sent to the landfill. White goods (refrigerators, freezers, stoves, TV's etc.) will **NOT be collected** at this time, but will be collected at the Dumpster Day in the fall. The Town employees in attendance will be there to assist you, not to unload for you, and to determine what can be left off at the dumpster. Thank you in advance for cooperating. Take advantage of the Dumpster Day to beautify our community.

ASSESSING AND GRIEVANCE DAY

Grievance Day for the Town of Stark will be Thursday May 30, 2024 at the Town of Stark Highway Department Garage and Courthouse offices from 4:00 PM in the afternoon to 8:00 PM in the evening. We are asking anyone having a question of their assessment to contact Assessor Jim Fresco at 315-867-1632 to discuss their assessment

without doing so in person. Mr. Fresco may be contacted by email at jffresco@herkimercounty.org. The Board of Assessment Review members include Edward Mower and Don Sheldon. If there is no other way, you can make an appointment to meet with the BAR. The Town is still searching for anyone wanting to serve on the Board of Assessment Review (BAR) to step forward by contacting the Town Board. There is an educational class for the BAR.

TOWN BOARD TOPICS

The Town of Stark website appears to have been hacked and all information on the site has been lost and the website is not accessible at this time. We are trying to correct the situation, but if not successful, the Town will be forced to reinvent the website, so to speak. Please have patience until we can correct the problem.

MORATORIUM FOR TOWN OF STARK

This will serve as notice to the residents of the Town of Stark of a Special Town Board meeting to be held on Tuesday April 30, 2024. The location of the Special Town Board meeting has changed and will be at the Owen D. Young Central School auditorium in Van Hornesville. The meeting begins at 7:00 PM. The Town apologizes for any inconvenience that this causes anyone in the Town of Stark. The Notice of Public Hearing follows. Please read.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on April 30, 2024 at 7:00 p.m. at the Owen D. Young Central School Auditorium, located within the Town of Stark, with regard to the proposed adoption of Local Law Number 1 of the year 2024 entitled "A Local Law Establishing a Temporary Land Use Moratorium Prohibiting Commercial Wind Energy and Solar Energy Systems Within the Town of Stark" All interested persons are invited to attend and participate therein.

This Notice of public hearing also appeared in the Utica Observer Dispatch newspaper on April 19, 2024. Due to the website being temporarily unavailable, the text of the Local Law is as follows and will be presented at the next special board meeting to be held on April 30, 2024. A copy is also available from the Town Clerk or the Town Supervisor.

LOCAL LAW NO. 1 OF 2024

A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING COMMERCIAL WIND ENERGY AND SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF STARK

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF STARK AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT

This local law is intended to establish a temporary moratorium to prohibit the creation or siting of Commercial Wind and Solar Energy Systems within the Town of Stark for a period of up to nine (9) months , pending the anticipated development of local laws to regulate and govern such installations.

It is deemed necessary to enact this moratorium to allow the Town Board adequate time in which to consider, and to draft and additional land use provisions to address changes in the development and regulation of commercial wind and solar energy systems and state law regarding renewable energy systems since the adoption of the existing Town of Stark Wind Energy Facilities Law adopted in 2006 and the adoption of its local law regulating Solar Energy Equipment and Systems in 2000. The Town Board may also review and amend the town comprehensive planning document adopted in 2000. It is the objective of the Town Board to provide for the benefit and the health and general welfare of the citizens of the Town of Stark.

SECTION 2. TEMPORARY MORATORIUM

A) There is hereby adopted in the Town of Stark a nine(9) month moratorium on the consideration, receipt or granting of any new land use applications, and zoning changes or amendments to permit the siting or creation of “Commercial Wind Generation Systems” or

"Commercial Solar Generation Systems after the effective of said moratorium.

"Commercial Wind Generation Systems" are defined for the purposes of this local law, as any individual or collection of wind turbine generators designed to convert the kinetic energy in wind to a usable form of electricity, and any and related infrastructure, electrical lines, substations, meteorological towers, access roads and accessory structures, which are designed and intended to produce electricity to be consumed primarily off-site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for the purpose of offsetting their own electric energy use shall not be considered a Commercial Wind Generation System and shall be specifically exempted from this moratorium.

"Commercial Solar Energy Systems" are defined, for the purpose of this local law, as a utility scale solar energy system which is intended to be utilized for any purpose other than direct private residential or agricultural use , including community- based systems. Any installation undertaken on behalf of individual landowners , businesses or farmers , primarily for the purpose of offsetting their own electric energy use shall not be considered a Commercial Solar Energy System.

B) During the term of the moratorium the Town Board intends to develop, consider and adopt changes to local laws so as to regulate Commercial Wind Generation Systems and Commercial Solar Energy Systems. Such moratorium shall be effective as of the date set forth herein below.

SECTION 3. APPLICABILITY

The provisions of this local law shall apply to all real property within the Town of Stark, and all new land applications for the siting or creation of Commercial Wind Energy Systems or Solar Energy Systems within the Town of Stark after the effective date.

SECTION 4. STATUTORY AUTHORITY; SUPERSESSON

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supersedes any provisions of the Land Use Regulations of the Town of Stark and sections 267, 267-a, 267-b,267-c,272-a,272-b and 276 of the Town Law of the State of New York.

This local law shall supersede and suspend those provisions of the Town Code and New York State law which require the Planning board and the Town Code Enforcement Officer to accept, process and approve land use applications within certain statutory time periods.

This local law supersedes and suspends the application of Local Law #1 of 2006,known as the Town of Stark Wind Energy Facilities Law. This local law supersedes the application of Local Law 2 of 2020, as to the regulation of utility-scale solar energy equipment and systems in the Town of Stark.

SECTION 5. SEQRA DETERMINATION

The Town Board hereby determines that the adoption of this local law is a Type II action under 6NYCRR617.5(C) (36) environmental review under the NYS Environmental Quality Review Act is not required.

SECTION 6. SEVERABILITY

The invalidity if any word, section , clause, sentence, paragraph, part, or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

SECTION 7. EFFECTIVE DATE

The effective date of this local law shall be immediate upon its filing with the Secretary of State, or upon an actual submission of a copy of the adopted local law to any individual., person or applicant.

Adopted this ____ day of _____ 2024.

Please remember, this public hearing is an action being taken in the Town of Stark, for the Town of Stark and is intended for Town of Stark residents to let the Town Board know if the Moratorium should be enacted. The public hearing is strictly about the adoption of the nine month moratorium before the Town Board, as outlined above.

Because the website is down, and unavailable at this time, we are providing a notice to residents of a meeting change for May. The Town Board has scheduled the May 14, 2024 regular monthly meeting of the Town of Stark for 7:00 PM at the ODY School auditorium, located on State Route 80 in Van Hornesville.

Town of Stark, Town Board
PO Box 45
Van Hornesville, NY 13475