



VILLAGE OF JOHNSON CITY
MUNICIPAL BUILDING
60 LESTER AVENUE, JOHNSON CITY, NY 13790
(607-798-7861)

www.villageofjc.com

Village Board

Martin Meaney, Mayor

Mayor Martin Meaney

Trustee John Walker

Trustee Mary Jacyna

Trustee Lori Thorn

Minutes of a Regular Meeting of the Johnson City Village Board held in the Village Hall Board Room, 60 Lester Avenue, Johnson City, NY on Tuesday, April 15, 2025 at 7:30 p.m.

Present: Martin Meaney, Mayor
Clark Giblin, Deputy Mayor
Mary Jacyna, Trustee
Lori Thorn, Trustee
John Walker, Trustee

Absent: None

Also Present: Keegan Coughlin, Legal Counsel
Clarence Shager, Village Clerk/Treasurer

Mayor Martin Meaney led the Pledge of Allegiance.

Mayor Martin Meaney took roll call, thanked everyone for attending and advised where the fire exits are located.

MAYOR'S ANNOUNCEMENTS

- [1] Village Hall will be closed on Friday, April 18, 2025 for Good Friday
- [2] The next Zoning Board Meeting will be Monday, April 21, 2025 at 6:30pm with a work session at 6:00pm in the Johnson City Village Hall Board Room.
- [3] The continuation for the public hearing for the tentative budget for 2025-2026 fiscal year will be on April 22, 2025 at 5:30pm in the Johnson City Village Hall Board Room.
- [4] The next Planning Board Meeting will be Tuesday, April 22, 2025 at 7:30pm with a work session at 7:00pm in the Johnson City Village Hall Board Room.
- [5] The Johnson City Rotary is holding a Jenison Park Grand Opening event on Saturday, May 3, 2025 from 2:00pm to 4:00pm with entertainment and refreshments.
- [6] The next regular Village Board Meeting will be Tuesday, May 6, 2025 at 7:30pm with a work session at 6:00pm in the Johnson City Village Hall Board Room.

APPROVAL OF BOARD MINUTES

- [1] April 1, 2025 Village Board Work Session and Regular Meeting Minutes

A motion to approve the budget meeting minutes and minutes of April 1, 2025 and place them on file was made by Trustee Walker and seconded by Trustee Jacyna. The motion carried with all those present voting in the affirmative.

BIDS

A motion to place on file the following Bids was made by Trustee Walker and seconded by Trustee Jacyna. The motion carried with all those present voting in the affirmative.

[1] N. Baldwin Street Water Main Replacement Bids were read Tuesday, March 4, 2025 at 10:00 am

Specification Holder	Bid Amount	Non-Collusion Affidavit	Bid Bond/Guaranty
G. DeVincentis & Son	\$532,000.00	X	X
Dan Brown Construction	\$455,000.00	X	X
Vacri Construction Corp.	\$691,000.00	X	X
Hurd Development LLC	\$468,300.00	X	X

PUBLIC HEARINGS

[6.1] Tentative Budget for 2025-2026 Fiscal Year

Mayor Martin Meaney opened the public hearing regarding the budget.

Jeanine Bowers, *Colville Avenue* – Asked what the biggest increase is.

Mayor Meaney responded health insurance and pension.

Carol Laskoski, *Edward St* – Questioned increase in property taxes.

Mayor Meaney advised they are going up \$11 and a few cents per \$1,000. The average taxpayer will see less than \$40 increase on their tax bill for this year.

There were no further comments from the public.

Mayor Martin Meaney advised the public hearing will be left open until April 22, 2025 at 5:30pm when the Board will reconvene to discuss the budget or if anyone has any more questions that need to be answered.

PETITIONS RECEIVED – None

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Martin Meaney opened the privilege of the floor.

Carol Laskoski, *Edward St* – Wondered if there was any more discussion about making Willow Street all the way down to the theater a walkway with no cars.

Mayor Meaney responded no, he hadn't heard of that.

Gary Andrews, *North St* – email request he made regarding the \$12,000,000 investment. Sent a document to the State to see if there was going to be an amendment. Is it conceivable that her idea for the walkway

could have possibly be introduced?

Mayor Meaney advised Mr. Andrews it was \$10,000,000. It was done by a state hired firm that we had to give \$300,000 to formulate that plan, to get that document done and that was submitted to the State. So the State had the basis to award the funds and it is a static document. Willow Street is part of the grand Streetscapes project which is to make it more walkable, tree-lined, more lighting, that is part of the grand scheme of the Streetscapes project. Once we get the funding in those are things we are going to look at. But at this time, there is nothing for Willow, but Wilbrow Alley.

Don Slota, Eldridge Ave – On the water bill, it mentioned the refuse going up. What is the increase?

Mayor Meaney responded it went up \$7.00 it hasn't been raised in ten years. We are playing catch-up. We pay for recycles now, tipping fees have gone up, all the costs have gone up. Water and sewer are doing much better than they were, but refuse we are still scrapping with.

Clerk/Treasure Shager added it costs more to get rid of recycling products than it does to get rid of garbage.

Patrick Kane, *Reynolds Road* – Cost him \$400.00 to get his car out of impound for what was an illegal tow. Trying to determine whether they made a mistake whether it was the wrong car. Why does he have to fight to get the money back for something that was done wrong to him. He said there was a ticket the day previously and then there was the tow happened and the only thing he was told is that they were separate. He was told he had to put in a records request to get the police report to find out what the tow was for. He handed out the paperwork which included the police report saying it was for multiple tickets.

Attorney Coughlin stated if he has any documentation of what he is speaking about, he would be happy to take a look at that and talk to the police department and someone will get back to him since he is not familiar with the facts and circumstances. He was aware generally that the car was illegally towed, but he has not read any of the facts. He will talk to Lieutenant Mason.

Mayor Martin Meaney closed the privilege of the floor.

COMMUNICATIONS

A motion to accept and file the following Communications was made by Trustee Giblin and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

- [1] Correspondence from V&H Material Handling regarding Essential Service Agreement.
- [2] Correspondence from De Fa Wang for DFW Group LLC regarding water bill for 40 Avon Street.
- [3] Correspondence from Agustin Mejia regarding water bill for 19 Second Street.
- [4] Correspondence from Johnson City Rotary regarding grand opening event at Jenison Park.
- [5] Correspondence from Your Home Public Library regarding children's storytime event.
- [6] Correspondence from Your Home Public Library regarding weekly public summertime storytime sessions at CFJ Park.

COMMITTEE AND BOARD REPORTS

A motion to accept and file the following Committee and Board Reports was made by Trustee Walker and seconded by Trustee Jacyna. The motion carried with all those present voting in the affirmative.

[1] Joint Sewage Treatment Board Reports for March 2025

DEPARTMENT REPORTS

A motion to accept and file the following Department Reports was made by Trustee Giblin and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

[1] Fire Department Overtime Report for March 27, 2025 – April 9, 2025

[2] Police Department Overtime Report for March 27, 2025 – April 9, 2025

PAYROLL AND BILLS PRESENTED

A motion to approve Abstract #18 of the 2024-2025 fiscal bills as stated and/or amended, and attached to the work session minutes and recorded as part of the work session minutes, having been audited by the Board and approved, was made by Trustee Walker and seconded by Trustee Jacyna. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

GENERAL FUND	\$135,876.62
WATER FUND	\$24,284.65
SEWER FUND	\$622,949.18
REFUSE FUND	\$24,773.29
SESAME ST	\$0
VARPUR	\$643,071.18
LIBRARY	\$0
SPECIAL GRANT	\$15,870.44
DEBT SERVICE	\$619,737.75

UNFINISHED BUSINESS – None

NEW BUSINESS

FINANCE & RULES

Resolution 76 of 2025

A motion to approve the following resolution was made by Trustee Giblin and seconded by Trustee Walker.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING LOCAL LAW 10-2024 ENTITLED

‘VACANT COMMERCIAL STOREFRONTS’ TO CORRECT MISNUMBERING” was introduced at this meeting; and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing shall be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law on **May 6, 2025 at 7:30 p.m.**, or as soon thereafter as may be heard; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Discussion: Trustee Walker stated the public hearing will be held on May 6, 2025 at 7:30pm.

Resolution 77 of 2025

A motion to approve the following resolution was made by Trustee Walker and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED VEHICLES AND TRAFFIC” was introduced at this meeting; and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing shall be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law on **May 6, 2025 at 7:30 p.m.**, or as soon thereafter as may be heard; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Discussion: Trustee Walker stated the public hearing will be held on May 6, 2025 at 7:30pm.

Resolution 78 of 2025 - Resolution Removed

Resolution 79 of 2025

A motion to approve the following resolution was made by Trustee Walker and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM WITHIN THE VILLAGE OF JOHNSON CITY ON THE DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS” was introduced at this meeting; and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing shall be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law on **May 20, 2025 at 7:30 p.m.**, or as soon thereafter as may be heard; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution 80 of 2025

A motion to authorize the Mayor or his designee to enter into a two-year Essential Service Agreement with V&H Material Handling, LLC for Kardex Megamat at a cost of \$2,200.00 was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 81 of 2025

A motion for forgiveness of the turn on fee in the amount of \$150.00 to DFW Group LLC, 40 Avon Street, Johnson City was made by Trustee Walker and seconded by Trustee Giblin.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 82 of 2025

A motion for a reduction of the water bill in the amount of \$1013.18 to Agustin Mejia, 19 Second Street, Johnson City due to water pipe bursting was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Failed – Vote:

Ayes – 0 Nays – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Absent – 0

PUBLIC SAFETY

FIRE – No new business

POLICE

Resolution 83 of 2025

A motion to authorize the Director of Public Services to hire CPL to conduct a Feasibility Study for the HVAC System at 31 Avenue C in an amount not to exceed \$9,000 was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

PUBLIC WORKS

Resolution 84 of 2025

A motion to award the bid for the N. Baldwin Street Water Main Replacement in the amount of \$455,000.00 to Dan Brown Construction as the lowest responsive bid was made by Trustee Jacyna and seconded by Trustee Walker.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 85 of 2025

A motion to appoint Corey Stento to the position of DPW Probationary Laborer at a salary of \$19.97 per hour effective, April 21, 2025. This appointment is contingent upon the successful completion of a background investigation and the required pre-employment drug screening was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 86 of 2025

A motion to approve a request from the Johnson City Lions Club on Friday, June 6, 2025 from 9:00 a.m. to 1:30 p.m. for their annual DARE picnic for Johnson City School sixth-grade students to use North Side Park, sports fields, concession stand, restrooms and the pavilion contingent upon the pavilion payment and proof of insurance being provided listing the Village of Johnson City as the certificate holder and the submission of security details was made by Trustee Jacyna and seconded by Trustee Thorn.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 87 of 2025

A motion to approve a request from the Johnson City Rotary to hold a grand opening event at Jenison Park on Saturday, May 3, 2025 from 2:00 p.m. to 4:00 p.m. contingent upon the required street permit and coordination with the DPW and Police Department for street closure was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 88 of 2025

A motion to approve a request from the Your Home Public Library to hold a storytime event on the front lawn at Johnson City Village Hall on Tuesday, July 22, 2025 at 1:30 p.m. with a brief tour of the Department of Public Works trucks for the children and their families was made by Trustee Thorn and seconded by Trustee Walker.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 89 of 2025

A motion to approve a request from the Your Home Public Library to hold weekly storytime sessions at CFJ Park on Tuesdays from July 8 to August 12, 2025 from 10:00 a.m. to 12:00 p.m. contingent upon the completion of a Parks Request Form and the submission of the required proof of insurance was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

PLANNING, ZONING & CODE ENFORCEMENT

Resolution 90 of 2025

A motion to authorize the Community Development Administrator to complete documentation for and submit the Municipal Parks and Recreation Grant Application for the design and construction of George Greitzer Memorial Park was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 91 of 2025

A motion to authorize the Community Development Administrator to complete documentation for and submit the Appalachian Regional Commission (ARC) Area Development Grant Application for the design

of Wilbrow Alley was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

Resolution 92 of 2025

A motion to authorize the Mayor to sign a letter of support in accordance with the Municipal Parks and Recreation Grant Application for George Greitzer Memorial Park was made by Trustee Thorn and seconded by Trustee Jacyna.

Motion Carried – Vote:

Ayes – 5 (Thorn, Jacyna, Walker, Giblin, Meaney) Nays – 0 Absent – 0

JOINT SEWAGE TREATMENT BOARD – No new business

Mayor Meaney thanked everyone for coming and wished them a safe trip home.

ADJOURNMENT

Mayor Meaney adjourned the meeting at 7:54 pm.

Clarence Shager
Village Clerk/Treasurer

Recordings of the Village Board meetings and work sessions
are available for review through the Village Clerk/Treasurer’s Office

VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 5 FOR THE YEAR 2025

A LOCAL LAW AMENDING LOCAL LAW 10-2024 ENTITLED
‘VACANT COMMERCIAL STOREFRONTS’ TO CORRECT MISNUMBERING

Be it enacted by the Board of Trustees of the Village of Johnson City as follows:

Section 1. Article VI Additional Provisions shall be renumbered as follows:

Article V Additional Provisions

§ 262-12 Application for search or administrative warrant authorized.

- A. The Code Enforcement Officer shall have the right to inspect a building or structure upon either: 1) the consent of the person in lawful possession of that building or structure sought to be inspected and the consent of the owner; or 2) upon the procurement of an administrative search warrant from a court of competent jurisdiction to enable such inspection.
- B. The Code Enforcement Officer is authorized, on sworn affidavit stating the factual basis thereof, to make application to the Village of Johnson City or to such other court as may be deemed appropriate for the issuance of an administrative search warrant. The application for a search or administrative warrant shall, in all respects, comply with applicable laws of the State of New York and the United States.

§ 262-13 Notice of violation; method of service.

If the Code Enforcement Officer determines that there are reasonable grounds to believe that premises are being maintained in violation of this chapter, that officer shall give notice of the alleged violation to the owner or owner's agent of the premises, which notice shall contain the elements required of an information under the New York State Criminal Procedure Law. Such notice shall:

- A. Be in writing;
- B. Include a description of the real estate sufficient for identification;
- C. Describe the violation, cite the applicable section of the local law and/or uniform code, and remedial action required;
- D. Describe the facts upon which the violation is based;
- E. State that all health, safety and maintenance violations must be corrected immediately. The Code Enforcement Officer shall return at a specified date to verify conformance with the order to remedy. Any maintenance items which cannot be completed at this time because of weather constraints may be granted a time extension. Reasonable time extensions may be granted by the Code Enforcement Office based on consideration of all relevant factors;
- F. State that, if upon reinspection a violation still exists, the Code Enforcement Officer shall order that the rental permit be suspended and the structure vacated;
- G. Be mailed via first-class, registered or certified mail to the permittee or served upon any other person in accordance with the applicable provisions of the Criminal Procedure Law;

H. State the time to file an appeal, the amount of the appeal fee, the right to call witnesses and the right to be represented by counsel.

§ 262-14 Notices on sale of property; unpaid fines.

A. A seller of a property with a registered vacant commercial storefront, including property occupied under authority of an unrecorded contract for sale, shall inform the prospective buyer of the following at least 14 days prior to the closing:

- (1) Any outstanding notice regarding violations of the Vacant Commercial Storefront Law;
- (2) The existence of any court or administrative proceeding which pertains to alleged violations of the Vacant Commercial Storefront Law, stating the case numbers and names of all parties to the proceedings.

B. Every seller of a property with a registered vacant commercial storefront shall give notice in writing to the Code Enforcement Office within two business days after closing. This notice shall include the name and address of the buyer.

C. Each buyer of an interest in a property with a registered vacant commercial storefront shall give notice in writing to the Code Enforcement Officer within 10 business days after closing. The notice shall identify the address of the affected property, the name and address of all parties named in the contract, and the interests in the property conveyed or received by each party. The buyer shall also provide a copy of the deed, showing the date, book, and page within 10 days of recording.

D. Any unpaid fines shall run with the land and become a lien against real property and shall be enforceable against the subsequent owner of the property.

§ 262-15 Habitual violators.

A. An owner who fails to correct a violation within the time period given by notice, or an owner who has been required to appear before a court of competent jurisdiction for such failure, three times for the same property with a registered vacant commercial storefront or on three separate properties during a twelve-month period may be deemed a habitual violator if found by the Code Enforcement Officer, court, or Zoning Board of Appeals, where applicable, to have failed to correct the violations without good cause. Upon finding that an owner is a habitual violator, an agent or representative of such owner shall be deemed a habitual violator as to those properties.

B. A finding that an owner is a habitual violator shall be a basis for a court of competent jurisdiction to find probable cause for the issuance of an administrative search warrant for all properties owned or managed by a habitual violator. The owner may be placed on an accelerated inspection schedule by the court, thereby reducing certification periods, if the result of the unified inspection justifies such action.

§ 262-16 Levies upon real property.

To the fullest extent authorized under the New York State Village Law and the New York State Real Property Tax Law, the Board of Trustees shall have the authority to issue levies against the owner's real property for fines and/or fees due under this chapter.

Section 2. Remainder

Except as hereinabove implemented, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 6 FOR THE YEAR 2025**

**A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE
ENTITLED “VEHICLES AND TRAFFIC”**

Section 1. § 264-52 “Overnight Parking in Metered Zones Prohibited” shall be repealed and deleted.

Section 2. § 264-87A. “Schedule XII: Parking Prohibited at All Times” shall be amended as follows:

Delete the following:

Name of Street	Side	Location
Third Street	West	North of Utility Pole No. 1610-1-1

Section 3. § 264-89A. “Schedule XIV: No Standing (here to corner)” shall be amended as follows:

Add the following:

Name of Street	Side	Location
Third Street	West	125 feet to Main Street

Section 4. § 264-90. “Schedule XV: Parking Prohibited Certain Hours” shall be amended as follows:

Add the following:

Name of Street	Side	Hours/Days	Location
Main Street	Both	2:00 a.m. to 6:00 a.m./All	Between Avenue A and Arch St

Section 5. **Remainder**

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 6. **Separability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 7. **Effective Date**

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. ___ FOR THE YEAR 2025**

**A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM
WITHIN THE VILLAGE OF JOHNSON CITY ON THE DEVELOPMENT
AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS**

Be it enacted by the Village Board of the Village of Johnson City as follows:

Section 1. Title.

This Local Law shall be known as the “Moratorium on the Development and Construction of Solar Energy Systems.”

Section 2. Authority and Intent, Findings, Purpose.

A. Authority and Intent.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Village Board of the Village of Johnson City under the New York State Constitution and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, § 2 (c); Municipal Home Rule Law §§ 10 and 20 through 27; Statute of Local Governments § 10; New York State Village Law; and the State Environmental Quality Review Act and its implementing regulations.

This Law is a land use regulation, which is intended to act as and is hereby declared to exercise the permissive “incidental control” of zoning and land use law that is concerned with the broad area of land use planning and the physical uses of land within the Village.

B. Findings.

The Village Board hereby finds that it is in the interest of public health, safety and welfare to address, in a careful and thorough manner, the activities prohibited by Section 4 of this Local Law. In order to accomplish this, the Village requires a reasonable period of time to further study the potential impacts and effects on land, the environment and the public in general caused by such activities, and to consider possible amendments to the Village’s laws and/or comprehensive plan to address the same.

C. Purpose.

The purpose of the Local Law is to enable the Village of Johnson City to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, zoning permits, special permits, zoning variances, building permits, operating permits, site plan approvals, subdivision approvals, certificates of occupancy, certificates of compliance, temporary certificates, and other Village-level land use approvals respecting the activities prohibited by Section 4 of this Local Law, for a reasonable time, so as to allow the Village time to study the potential impacts, effects, and possible controls over such activities and to consider possible amendments to the Village’s laws and/or comprehensive plan to address the same. The Village Board finds that a moratorium of one (1) year duration, coupled with an “unnecessary hardship” variance procedure and a provision for the “grandfathering” of legal, pre-existing non-conforming uses, will achieve an appropriate balance of interests between (i) the need to safeguard public health, safety and welfare, as well as the character and other resources of the Village of Johnson City; and (ii) the rights of individual property owners.

Section 3. Definitions.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM

A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

PERSON

Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite consumption.

SOLAR ENERGY EQUIPMENT

Electrical material, hardware, inverters, conduit, or any other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM

The components and subsystems required to convert solar energy into electric energy suitable for use and to collect, store or deliver such converted electrical energy. The term includes, but is not limited to, Solar Panels, Solar Energy Equipment, substations, energy storage facilities and all other accessory facilities related/appurtenant thereto.

SOLAR PANEL

A photovoltaic device capable of collecting and converting solar energy into electricity.

SOLAR ACTIVITIES

Any and all activities related to the development, permitting, siting and/or construction of energy production facilities utilizing solar power, including but not limited to, Solar Energy Systems, and the siting and construction of all accessory, supporting and related infrastructure such as transmission lines, substations, etc.

VILLAGE

The Village of Johnson City, Broome County, New York.

VILLAGE BOARD

The Village Board of the Village of Johnson City.

Section 4. Moratorium and Prohibition.

- A. From and after the effective date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance (except as contemplated by Section 7 of this Law), building permit, site plan

approval, subdivision approval or any other Village-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, use or operation upon any land, body of water, building or other structure located within the Village any of the following: (i) Solar Energy Systems; (ii) Solar Energy Equipment; (iii) Solar Energy Activities.

- B. From and after the effective date of this Local Law, no Person shall use, cause, or permit to be used, any land, body of water, building or other structure located within the Village for any of the following: (i) Solar Energy Systems; (ii) Solar Energy Equipment; (iii) Solar Energy Activities.
- C. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is one (1) year after said effective date, or (ii) the effective date of a duly enacted repeal of this Local Law.
- D. This moratorium and prohibition shall apply to all real property within the Village.
- E. Notwithstanding the foregoing, the prohibitions and moratorium set forth in this Section 4 shall not apply to Roof-Mounted Solar Energy Systems or Building-Integrated Solar Energy Systems as accessory uses for legally permitted residential properties.
- F. Under no circumstances shall the failure of the Village Board, the Village Planning Board or the Village Code Enforcement Officer to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, site plan approval, subdivision approval, or other Village-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

Section 5. Penalties.

A. Compliance Orders.

The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in violation of this Local Law. If the condition or activity is not remedied after the issuance of a compliance order, then an appearance ticket may be issued as provided hereinafter.

B. Appearance Tickets.

The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Local Law. Any person who violates any provision of this Local Law shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate, additional violation.

C. Civil Penalty.

In addition to those penalties prescribed herein, any person who violates any provision of this Local Law shall be liable to a civil penalty of not more than \$2,500 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in a civil action instituted in the name of the Village of Johnson City.

D. Injunctive Relief.

An action or proceeding may be instituted in the name of the Village of Johnson City, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this

Local Law. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board.

E. Remedies Not Exclusive.

No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation of this Local Law. Any remedy or penalty specified in this section and/or any other remedy or penalty provided by law, may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section. In addition to the above-provided remedies, the Village Board may also seek reimbursement to the Village for costs incurred by the Village in identifying and remedying each violation, including but not limited to, reasonable attorney's fees.

Section 6. Grandfathering of Legal, Pre-Existing Non-Conforming Use.

Notwithstanding any provision hereof to the contrary, any Solar Energy Systems in the Village that have been duly approved as of the effective date of this Local Law, which are being operated in accordance with all applicable laws and regulations and in compliance with all valid permits required to be issued by the New York State Department of Environmental Conservation (“DEC”) and all other federal, state and local regulating agencies, shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of this Section.

Any expansion of a lawful, pre-existing nonconforming use shall not be grandfathered under this Section, and instead shall in all respects be prohibited as contemplated by Section 4 hereof. “Grandfathered” and lawful pre-existing uses neither have nor possess any right to expand such non-conforming use, whether above or below ground, and no such right shall be deemed, construed, or implied to exist.

Section 7. Hardship Use Variance.

The Zoning Board of Appeals is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a hardship use variance from application of the provisions of this Local Law by any Person aggrieved hereby.

No such use variance shall be granted without a showing by the applicant that applicable regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located: (i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (iv) that the alleged hardship has not been self-created.

In the event a hardship use variance from the provisions of this Local Law is granted to the applicant, the applicant shall be required to comply with all provisions of the Village’s then applicable land use laws and other laws and regulations. The Zoning Board, in the granting of a hardship use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 8. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other

tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Village Board of the Village of Johnson City hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 9. Superseding Intent and Effect.

It is the specific intent of the Village Board that this Local Law shall supersede any inconsistent provisions of Sections 267, 267-a, 267-b, 274-a, 274-b and 276 of the Village Law of the State of New York, as well as all other inconsistent provisions of local ordinances, local laws, or local resolutions or policies of the Village of Johnson City, including but not limited to provisions of the aforementioned state and local laws, ordinances, resolutions or policies that require the approval, or affect a default approval of land use applications within certain statutory time periods.

Section 10. General Provisions.

- A. The Code Enforcement Officer is hereby designated as the enforcement officer for purposes of interpreting and enforcing this Local Law.
- B. The section and other headings and titles to clauses and phrases in this Local Law are for convenience only, and shall not be used or construed to limit or define the scope or application of the clauses and phrases so following such headings or titles. Each section of this Local Law, whether in the nature of a preamble or otherwise, is a material part of this Local Law.

Section 11. Effective Date.

This Local Law shall take effect immediately upon filing with the New York Department of State in accordance with Section 27 of the Municipal Home Rule Law.