

**TOWN OF ELBA**  
**TOWN BOARD MEETING**  
**Thursday, July 9, 2026 –7:00 PM**

**Call Public Hearing to Order**

- Local Law No. 1 - A Local Law Extending a Moratorium on Tier 3 Solar Energy Systems, Large Battery Energy Storage Systems and Commercial Wind Energy Systems – 6:45 p.m.

**Call Meeting to Order**

- Pledge to the Flag

**Approval of Minutes**

- June 11, 2026 Town Board Meeting

**Resolutions**

- 15-2026 Resolution Enacting Local Law No. 1 of 2026
- 16-2026 Resolution Introducing the Proposed Local Law No. 2 of 2026 and Related SEQRA EAF for Review, Establishing SEQRA Lead Agency, Referring Proposed Local Law No. 2 of 2026 to the Genesee County Planning Board and Town of Elba Planning Board and Setting a Public Hearing
- 17-2026 Resolution Appointing Alan Yungfleisch as Town Justice to Fill a Vacancy

**Abstract 7-2026**

**Committee Reports**

|                    |                           |
|--------------------|---------------------------|
| Building & Grounds | Highway Supt. Yungfleisch |
| Zoning Board       | Councilman Chamberlain    |
| Planning Board     | Councilman Coughlin       |
| GAM                | Councilman Augello        |
| Cemetery           | Councilman Chamberlain    |

**Department Reports**

Highway Superintendent  
Assessor  
ZEO/CEO  
Town Clerk  
Supervisor  
Councilpersons

**Adjournment**

**RESOLUTION NO. 15-2026**

**RESOLUTION ENACTING LOCAL LAW NO. 1 OF 2026**

**EXTENDING THE MORATORIUM ON TIER 3 SOLAR ENERGY SYSTEMS, LARGE BATTERY ENERGY STORAGE SYSTEMS, AND COMMERCIAL WIND ENERGY SYSTEMS**

**WHEREAS**, Notice of a Public Hearing on proposed Local Law No. 1 of 2026, which would to Extend the 12-Month Moratorium on Tier 3 Solar Energy Systems, Large Battery Energy Storage Systems, and Commercial Wind Energy Systems, was published in the *Batavia Daily News* on July 3, 2026 and the Town Clerk also caused a copy of that Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) and on the Town of Elba website (along with the proposed text of the law); and

**WHEREAS**, the Local Law was shared with all Town Board members since June 11, 2026; and

**WHEREAS**, adoption of proposed Local Law No. 1 of 2026 is a Type II action under the State Environmental Quality Review Act, pursuant to 6 N.Y.C.R.R. §617.5(c)(36), because it is the adoption of a moratorium on land development and construction; and

**WHEREAS**, notice of the Local Law was made to the Genesee County Planning Board on July 1, 2026, but the Local Law is otherwise exempt from review pursuant to the Agreement Exempting Certain Minor Land Use Actions from Genesee County Planning Board between the Town and Genesee County Planning Board; and

**WHEREAS**, special counsel to the Town has reviewed and approved the proposed Local Law; and

**WHEREAS**, a public hearing was duly held on that proposed Local Law on July 9, 2026 at 6:45 PM before the Town Board at the Elba Town Hall, and all persons desiring to speak were heard;

**NOW**, on Motion duly made and seconded, it is

**RESOLVED** that, pursuant to the Municipal Home Rule Law, proposed Local Law No. 1 of 2026, is hereby enacted, and shall be filed with the Secretary of State.

**RESOLUTION NO. 16-2026**

**RESOLUTION INTRODUCING THE PROPOSED LOCAL LAW NO. 2 OF 2026 AND RELATED SEQRA EAF FOR REVIEW, ESTABLISHING SEQRA LEAD AGENCY, REFERRING PROPOSED LOCAL LAW NO. 2 OF 2026 TO THE GENESEE COUNTY PLANNING BOARD AND TOWN OF ELBA PLANNING BOARD AND SETTING A PUBLIC HEARING**

**WHEREAS**, certain members of the Town Planning Board in conjunction with certain members of the Town Board developed proposed revisions, annexed hereto as Exhibit A (the “Proposed Local Law”), to the existing regulations (the “Existing Solar Law”) for siting solar energy systems under the Town of Elba Zoning Law (the “Zoning Law”); and

**WHEREAS**, the Proposed Local Law shows in redline the changes to the relevant sections of the Existing Solar Law in the Proposed Local Law recommended by the team; and

**WHEREAS**, the Proposed Local Law recommends substantive changes as compared to the Existing Solar Law with respect to the following issues:

- Site line and signage requirements for temporary and permanent entrance driveways.
- Permanent lighting.
- Reforestation project requirements related to tree clearing.
- Requirements for cleanup of construction debris.
- Revised setbacks to residential property lines, roads and highways, and side lots encircling non-participating residential parcels.
- Revised fencing requirements.
- Revised landscape screening requirements to require a design by a registered landscape architect.

- Requirements for agricultural co-utilization for projects sited predominantly on prime farmland or farmland soil of statewide importance.
- Requirements for obtaining a road use permit during project construction.
- Annual production reporting requirements.
- Notification requirements for decommissioning.
- Revised permit time frames to align with actual development experience.

**WHEREAS**, annexed as Exhibit B is the entire Existing Solar Law redlined to show the changes proposed on the Proposed Local Law; and

**WHEREAS**, adoption of the Proposed Local Law could be considered a Type I action under the State Environmental Quality Review Act (“SEQRA”), pursuant to 6 N.Y.C.R.R. §617.4(b)(2), because it may be considered to be changing the allowed uses within an area of more than 25 acres within the Town; and

**WHEREAS**, Part 1 of a Full SEQRA Environmental Assessment Form (“EAF”), annexed hereto as Exhibit C, has been prepared for the Proposed Local Law; and

**WHEREAS**, the Proposed Local Law is required to be referred to the Genesee County Planning Board pursuant to General Municipal Law § 239-m; and

**WHEREAS**, the Proposed Local Law is required to be referred to the Town of Elba Planning Board for a report and recommendation pursuant to Town Zoning Law § 902; and

**WHEREAS**, the Proposed Local Law is subject to the notice and hearing requirements of Town Law § 264.

**NOW, THEREFORE, IT IS RESOLVED** that the Proposed Local Law is introduced for consideration by the Town Board; and

**RESOLVED**, that, pursuant to 6 N.Y.C.R.R. §617.6(b)(3)(i), the Town Board shall serve as Lead Agency for the SEQRA review of the Proposed Local Law; and

**RESOLVED**, that the Town Board accepts and directs the Town Supervisor to sign Part 1 of the EAF; and

**RESOLVED**, that the Town Board directs the Town Supervisor to arrange for the referral of the Proposed Local Law, Proposed Local Law Redline, EAF, and Existing Solar Law to the Genesee County Planning Board for review pursuant to General Municipal Law § 239-m; and

**RESOLVED**, that the Town Board directs the Town Supervisor to arrange for the referral of the Proposed Local Law, Proposed Local Law Redline, EAF, and Existing Solar Law to the Town of Elba Planning Board for a report and recommendation pursuant to General Municipal Law § 902; and

**IT IS HEREBY FURTHER RESOLVED** that a public hearing before the Town Board at the Elba Town Hall regarding the Proposed Local Law and the SEQRA review for the Proposed Local Law is set for August 13, 2026 at 6:45 pm; and

**RESOLVED**, pursuant to Town Law § 264, notice of the time and place of the public hearing shall be published in the *Batavia Daily News* at least ten days prior to the date of the public hearing; and

**RESOLVED**, pursuant to Town Law § 264, at least ten days prior to the date of the public hearing, written notice of the Proposed Local Law shall be mailed or personally delivered to the Town Clerks of the Towns of Byron, Stafford, Batavia, Oakfield, Barre, and Clarendon, and the Clerk of the Legislature of Orleans County.

**RESOLUTION NO. 17-2026**

**TOWN OF ELBA**  
**RESOLUTION APPOINTING ALAN YUNGFLEISCH**  
**AS TOWN JUSTICE TO FILL A VACANCY**

**WHEREAS**, a vacancy has occurred in the office of Town Justice for the Town of Elba as a result of the retirement of the Honorable E. Douglas King, creating an unexpired term that ends on December 31, 2026; and

**WHEREAS**, pursuant to Section 64 of the New York State Town Law, the Town Board is authorized to appoint a qualified person to fill a vacancy in an elective town office until such vacancy is filled in the manner prescribed by law; and

**WHEREAS**, Alan Yungfleisch is a resident of the Town of Elba, has expressed his willingness to serve as Town Justice, and has agreed to complete all education and certification requirements prescribed by the New York State Unified Court System to qualify for and perform the duties of the office;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Elba hereby appoints Alan Yungfleisch to the office of Town Justice to fill the unexpired term of office, effective July 9, 2026, through December 31, 2026, or until a successor is elected and qualified as provided by law; and be it further

**RESOLVED**, that Mr. Yungfleisch shall take and file the Constitutional Oath of Office and any other required documentation prior to assuming the duties of the office; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to file all notices and documents required by law to effectuate this appointment; and be it further

**RESOLVED**, that this resolution shall take effect immediately upon its adoption.