

**Town of Elba
Regular Meeting
July 9, 2026**

Supervisor Coughlin called the meeting to order at 7:00 p.m.; followed by the Pledge to the Flag.

Those in attendance included:

Supervisor Coughlin
Councilman Augello
Councilman Chamberlain
Councilwoman Marshall

Others Present:

Town Clerk Werth
Superintendent of Highways Yungfleisch

Absent:

Councilman Norton

Minutes of June 11, 2026 Town Board Meeting

MOTION Councilwoman Marshall, second by Councilman Augello to approve the minutes as written.

Ayes: Augello, Chamberlain, Coughlin, Marshall

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 15-2026

Councilman Chamberlain offered the following:

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 Review 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.

Ayes: Supervisor Coughlin
Council Member Augello
Council Member Chamberlain
Council Member Marshall

Nays:

Quorum Present: ___ 4 ___ Yes ___ 0 ___ No Carried: ___ 4 ___ Yes ___ 0 ___ No

Dated: July 9, 2026

State of New York)
County of Genesee) ss.:

I, Trisha Werth, Town Clerk of the Town of Elba, NY, hereby certify that the foregoing resolution was duly adopted at a meeting of the Town Board held on July 9, 2026 by the required necessary vote of the members to approve this resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Elba, NY this 9th day of July, 2026.

SEAL

Trisha Werth, Town Clerk

Second by: Councilwoman Marshall

Ayes: Augello, Chamberlain, Coughlin, Marshall

APPROVED by unanimous vote (4-0)

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**

**UPON MOTION OF COUNCILWOMAN MARSHALL, SECONDED BY COUNCILMAN
AUGELLO, IT IS UNANIMOUSLY RESOLVED THAT:**

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 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.

DATE: July 9, 2026

Ayes: Augello, Chamberlain, Coughlin, Marshall

MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 17-2026

Councilwoman Marshall offered the following:

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;

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.

Second by: Councilman Augello

Ayes: Augello, Chamberlain, Coughlin, Marshall

APPROVED by unanimous vote (4-0)

ABSTRACT 7-2026

MOTION, Councilman Chamberlain second by Supervisor Coughlin approve the following:

General Fund	139-157	\$14,862.83
Highway	58-68	\$36,922.70
Total		\$51,785.53

Ayes: Augello, Chamberlain, Coughlin, Marshall

MOTION CARRIED by unanimous vote (4-0)

COMMITTEE REPORTS

Building and Grounds

Mr. Yungfleisch discussed the following:

- A letter of intent was sent to Bentley Brothers to purchase the utility tractor for the cemetery. It was a bit more to include a lift and warranty. There is the ability to add a mower to this tractor if need be in the future.

Zoning Board

No meeting.

Planning Board

No report.

GAM

No meeting.

Cemetery

No report.

DEPARTMENT REPORTS

Highway

No report.

Assessor

No report.

ZEO/CEO

Mr. Morris' monthly report was emailed and is also available in the Town Clerk's office.

Town Clerk

Town Clerk Werth reported that she took in \$652.52 and remitted \$599.02 to the Supervisor for local share, \$31.00 to NYS Ag. & Markets for spay/neuter program for the month of June and \$22.50 to NYSDOH for a marriage license.

Assemblyman Steve Hawley will be here July 25th from 10-10:45 a.m. for a Town Hall style meeting. All those from the public are welcome to attend.

Supervisor

Supervisor Coughlin shared the following:

- Spoke with Shawn Grasby after receiving his latest invoice. Supervisor Coughlin talked with him and requested the invoice have more detail. They are having trouble with continued failed pole tests. Councilman Chamberlain discussed the amount of times he has been out here for "site inspection site looks good no garbage." He stated he never sees garbage around from them. Councilman Augello stated this should be something the local inspectors should take care of. Suggested he combine his trips to save money. Supervisor Hynes will share the Boards concerns with Mr. Grasby.

Councilwoman Marshall made a **MOTION** to approve payment of Mr. Grasby's invoice number 534 in the amount of \$11,880.00, with recommendations.

Second by: Councilman Augello

Ayes: Augello, Coughlin, Hynes, Marshall

Nays: Chamberlain

APPROVED vote (4-0)

- Supervisor Coughlin made a **MOTION** to approve a one time stipend of \$4,000.00 to Judge Zambito to cover the time period of January 1 – December 31, 2026, to be paid in equal installments through the remaining payroll periods.

Second by: Councilman Augello

Ayes: Augello, Coughlin, Hynes, Marshall

Nays: Chamberlain

APPROVED vote (4-0)

- Will start the 2027 budget process on Monday.
- There will be a Zoom meeting for the Comprehensive Plan on Wednesday at 1:00 p.m. They would like to get in touch with the farmers to see what their interests are and see if they are willing to use land for development. Will also talk with Gretchen Rosales to see what the schools interests are.

Councilpersons

Councilwoman Marshall would like the Board to consider a moratorium for a Data Center.

Councilwoman Marshall asked if a check was received from the easement right of way for Niagara Mohawk. Supervisor Coughlin stated he let him know the easement was signed and he has not been in touch since.

ADJOURNMENT

MOTION was offered from Councilman Chamberlain second by Supervisor Coughlin to adjourn the meeting at 7:26 p.m.

Ayes: Augello, Chamberlain, Coughlin, Marshall

MOTION CARRIED by unanimous vote (4-0)

Respectfully Submitted,

Trisha Werth
Town Clerk