

TOWN OF BETHANY
REGULAR TOWN BOARD MEETING

10 August 2026

Supervisor Hyde opened the August 10, 2026 Regular Town Board Meeting at 7:00 p.m. with the Pledge of Allegiance followed by a prayer offered by Councilman Embt.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	
Timothy Embt, Councilman	Steve Wells, Councilman
Diane Fowler, Councilwoman	Shauna Klump, Town Clerk
Barbara Czworka, Highway Superintendent	Eli McWhiney, Town Attorney

Public Hearing opened 7:01 and closed at 7:45.

- Everyone was given the opportunity to speak and make it known if they are for or against the moratoriums. Everyone is for the moratoriums except 1 person wished to not comment.

Bethany FD: 15 calls, 4 fire calls, 1 mutual aid, 1 service and 8 EMS calls. Sept 13th Chicken BBQ and Oct 10th is Meat raffle.

Town Clerk Report – Shauna Klump

- Presented the Minutes of the July 2026 Regular Town Board meeting.

On **MOTION** made by Councilman Wells, duly seconded by Councilman Embt, to approve the Minutes of the July 2026 Regular Town Board meeting as presented. Motion passed with All In Favor.

- The Clerk’s Monthly Report and Bank Statements for July were reviewed by the Town Board.

Highway Superintendent Report – Barbara Czworka

- Round 2 of mowing is ½ done
- Changed driveway pipe on Silver Rd
- Put shoulders on Buckman RD and in areas were needed on Dublin Rd.
- Putnam Rd cemetery has been mowed
- Changed pipe on Dublin Rd
- Still doing work on Road signs
- Silver Rd bridge has reopened 2 months ahead of schedule.
- We have helped Byron, Bergen, Stafford, County and Pembroke this month.
- Steve Fox in East Rd has called Soil and Water about wanting culvert pipe to be changed near his home. I have had 3 County engineers look at this pipe; they tell me to leave it alone. He did not like those answers. He also claims the water crew ruined the cement around the pipe, and I went over and took pictures, all is good.
- 1201 had drive shaft issues, and check-engine light on, all has been repaired.
- Hauling Eco-Blend for more shoulder work.
- Salt is going up \$10 per ton this year.
- Have had 2 trees go down this month, Mill RD happened during day Bat-Beth Townline Road was at 1:30
- Would like to attend Fall Conf. Sept. 29 to October 2 in Saratoga Springs. Total Mileage and Class/Hotel is \$1012.55

Board Committee Reports

Councilman Wells- Planning board meeting discussed a land separation.

Councilwoman Fowler- July water meeting, County Phase 2 is moving along nicely.

Councilman Embt No meeting this month.

Councilman Elsasser- Comprehensive plan is going well.

CEO ZEO- Gerry Wood

- Quiet month

NEW BUSINESS

- Resolution/ Local law #4 Solar Energy, please see below for reference.
- Resolution/ Local Law #5 Battery Storage, please see below for reference.
- Escrow agreement for payment of municipal expenses was signed and sent to towns attorney.

TOWN OF BETHANY

RESOLUTION TO ADOPT LOCAL LAW NO. 4 OF 2026
“A LOCAL LAW ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING
THE DEVELOPMENT OF NEW SOLAR ENERGY PROJECTS WITHIN THE TOWN
OF BETHANY”

Adopted: August 10, 2026

The Town Board of the Town of Bethany met at a regular board meeting at the Town Hall located at 10510 Bethany Center Road, East Bethany, New York on the 10th day of August, 2026, commencing at 7:00P.M. after which a public hearing was held, commencing at 7:00P.M., at which time and place the following members were:

Present:	Mayor	<u>Cass Hyde Jr</u>
	Trustee	<u>Diane Fowler</u>
	Trustee	<u>Tim Embt</u>
	Trustee	<u>Steve Wells</u>
	Trustee	<u>Bill Elsasser</u>

Absent:

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was 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 Bethany is considering a proposed local law entitled: “A Local Law Establishing a Temporary Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bethany” to temporarily halt the submission of

LOCAL LAW NO. 4 OF 2026
“A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM
PROHIBITING THE DEVELOPMENT OF NEW SOLAR ENERGY PROJECTS
WITHIN THE TOWN OF BETHANY”

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

SECTION I. TITLE

This Local Law shall be known as “A Local Law Establishing a Temporary Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bethany.”

SECTION II. AUTHORITY

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

SECTION II. PURPOSE AND INTENT

The purpose of this Local Law is to temporarily halt the development of new solar energy projects, for a period of up to six (6) months, while the Town considers the revision of regulations to specifically address the development of solar energy projects within the Town.

In the coming months, the Town will work diligently towards the development of solar regulations which address the issue of environmental impacts including ground and surface water, agricultural and aesthetic resources, as well as community plans and character that will address, in a careful manner, the health, safety, and welfare of its residents.

SECTION III. DEFINITIONS

Roof-Mounted Solar Energy System: A solar panel system located on the roof of any legally permitted building or structure for the primary purpose of producing electricity for onsite consumption.

Ground Mounted Solar Energy System: A solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structures for the primary purpose of producing electricity for onsite consumption.

Large Scale Solar Energy Projects: A solar energy system that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

SECTION IV. SCOPE OF CONTROLS

During the effective period of this Local Law, neither the Town Board nor the Planning Board of the Town of Bethany shall accept any new applications that would result in the development of any new solar energy systems or projects within the Town. Any solar energy system application

submitted prior to the adoption of this moratorium shall be exempt from this moratorium and process through the local review process.

SECTION V. ENFORCEMENT

This Local Law shall be enforceable by the Town Zoning Enforcement Officer or any other person appointed by the Town of Bethany Town Board to enforce this Local Law.

SECTION VI. PENALTIES

A violation of this Local Law shall be deemed an offense and punishable, by a fine fixed by the court, of not less than \$500.00, nor more than \$2,500.00.

SECTION VII. 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 VIII. 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 Zoning Board of Appeals of the Town of Bethany in writing for a variance 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 during the period of the moratorium imposed by this Local Law.

B. Procedure.

1. Upon submission of a written application to the Town Clerk and Zoning Enforcement Officer by the property owner seeking a variance of this Local Law, the Zoning Board of Appeals 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 Zoning Board of Appeals shall, within sixty-two (62) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law.
3. If the Zoning Board of Appeals determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Zoning Board of Appeals 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.

TOWN OF BETHANY
RESOLUTION TO ADOPT LOCAL LAW NO. 5 OF 2026
“A LOCAL LAW ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING
THE DEVELOPMENT OF NEW BATTERY ENERGY STORAGE SYSTEM (“BESS”)
WITHIN THE TOWN OF BETHANY”

Adopted: August 10, 2026

The Town Board of the Town of Bethany met at a regular board meeting at the Town Hall located at 10510 Bethany Center Road, East Bethany, New York on the 10th day of August, 2026, commencing at 7:00 P.M., after which a public hearing was held, commencing at 701 P.M., at which time and place the following members were:

Present:	Mayor	<u>Carl Hyde Sr.</u>
	Trustee	<u>Diane Fowler</u>
	Trustee	<u>Tim Embot</u>
	Trustee	<u>Steve Wells</u>
	Trustee	<u>Bill Elsasner</u>
Absent:		

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was 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 Bethany is considering a proposed local law Entitled: “A Local Law Establishing A Temporary Land Use Moratorium Prohibiting The Development Of New Battery Energy Storage System (“BESS”) Within The Town Of Bethany” to temporarily halt the submission of new applications for Battery Energy Storage Systems (“BESS”), for a period of six (6) months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

WHEREAS, pursuant to Section 239-M of the General Municipal Law, said local law with all supporting documents was submitted to the Genesee County Planning Board for notice and review; and

WHEREAS, the Town Board of the Town of Bethany recognizes that this local law is a Type II Action under SEQR pursuant to 6 NYCRR § 617.5(c)(36), and therefore SEQR review will not be required as there are no adverse environmental impacts; and

WHEREAS, the local law was submitted by the Town Attorney on behalf of the Town of Bethany to the Genesee County Planning Board for notice and review on August 5th, 2026; and

WHEREAS, the Town Board of the Town of Bethany held a public hearing on the proposed adoption of said local law on the 10th day of August, 2026 at 7:00 P.M., at which time all

interested parties and citizens for or against the proposed law were heard; and

WHEREAS, the Town Board find it in the best interest of the Town to adopt Local Law No. 5 of 2026 to establish a temporary land use moratorium prohibiting the development of new Battery Energy Storage Systems (“BESS”) within the Town of Bethany while the Town considers the revision of solar energy system regulations.

NOW ON MOTION OF Steve Wells which has been duly seconded by Bill Elsas, be it

RESOLVED, by the Town Board of the Town of Bethany feels it is in the best interests of the Town to adopt Local Law No. 1 of 2026 entitled, “A Local Law Establishing A Temporary Land Use Moratorium Prohibiting The Development Of New Battery Energy Storage System (“Bess”) Within The Town Of Bethany”; and be it further

RESOLVED, that the Town Clerk is hereby directed to enter the adoption of Local Law No. of 2026 in the minutes of this meeting, to file the law in the Office of the Town Clerk, and to file the law with the Secretary of the State of New York pursuant to Section 27 (L) of the Municipal Home Rule.

Ayes: 5
Nays: 0

Quorum Present: ☒ Yes ☐ No

Dated: Aug 10th, 2026

[SEAL]


Shauna Klump, Town Clerk
Town of Bethany

TOWN OF BETHANY
LOCAL LAW # 5 of 2026
“A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM
PROHIBITING THE DEVELOPMENT OF NEW BATTERY ENERGY STORAGE
SYSTEM (“BESS”) WITHIN THE TOWN OF BETHANY”

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

SECTION I. TITLE

This Local Law shall be known as “A Local Law Establishing a Temporary Land Use Moratorium Prohibiting the Development of New Battery Energy Storage System (“BESS”) Within the Town of Bethany”.

SECTION II. AUTHORITY

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

SECTION III. PURPOSE AND INTENT

The purpose of this Local Law is to the protect the public health, safety, and welfare of the residents of the Town of Bethany and to maintain the status quo as to certain Battery Energy Storage Systems (“BESS”) uses, as the preset laws and ordinances regulations on the Town do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuing of any permits, certifications of occupancy and approvals of certain land uses relating to BESS, including, but not limited to solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Bethany laws and ordinances concerning this use.

SECTION IV. LEGISLATIVE FINDINGS

The Town of Bethany Town Board does hereby finds that without a temporary halt on the processing, permitting and approvals for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the town and/ or on particular lots without adequate dimensional regulations in place. The potential for unsuitable location of, and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis if the potential types of BESS facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

SECTION V. MORATORIUM IMPOSED, APPLICABILITY

For the period of time of six (6) months following the effective date of the adoption of this Local Law, no application may be processed and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to BESS, including, but not limited to solar farms.

The term "land uses relating to BESS" shall be broadly construed to include any facility designated to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are BESS facilities designed to generate electric power solely for the use of the improvements located on the same property.

The term "solar farm" shall mean "a collection of solar panels covering one-quarter (1/4) acres or more of land that are designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic panels that are mounted on or affixed to residential dwellings for their use, or municipal buildings, or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Building Inspector, Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Bethany.

During the period of moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and if warranted, revisions to the Town of Bethany laws and ordinances. During the period of moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issues, which would authorize development within the Town for land uses relating to BESS as described above.

SECTION VI. TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This local law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution of the Town Board.

SECTION VII. EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provision of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy, procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

Adjournment

A **MOTION** was made by Councilman Wells, duly seconded by Councilwoman Fowler to adjourn the meeting at 8:34 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: August 10, 2026

Respectfully Submitted,

Shauna Klump, RMC
Bethany Town Clerk