

**TOWN OF BYRON TOWN BOARD RESOLUTION
TO INTRODUCE THE TOWN OF BYRON
PROPOSED LOCAL LAW ENTITLED
“Local Law Number __ of 2024, Town of Byron Law Overriding the Tax Levy Limit”**

WHEREAS, on October 9, 2024 the Town Board of the Town of Byron introduced a proposed local law entitled **“Local Law Number __ of 2024, Town of Byron Law Overriding the Tax Levy Limit,”**

WHEREAS, the Town Board of the Town of Byron recognizes the need to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and

WHEREAS, the Town of Byron’s current Code does not adequately meet the Town’s objectives, which include allowing the Town of Byron to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c, and

WHEREAS, consideration is warranted of a proposed local law to allow for the need to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and

WHEREAS, Section 20, subsection 4 of New York State’s Municipal Home Rule Law allows for the introduction of a proposed local law by a member of a Town Board, and

NOW, THEREFORE proposed **“Local Law Number __ of 2024, Town of Byron Law Overriding the Tax Levy Limit”** is attached hereto and made a part hereof.

**TOWN OF BYRON TOWN BOARD RESOLUTION
THAT ENACTMENT OF THE PROPOSED LOCAL LAW ENTITLED
“Local Law Number __ of 2024, Town of Byron Law Overriding the Tax Levy Limit”
IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE
PROPOSED LOCAL LAW AS AN UNLISTED ACTION UNDER SEQRA**

WHEREAS, on October 9, 2024 the Town Board of the Town of Byron introduced a proposed local law entitled “**Local Law Number __ of 2024, Town of Byron Law Overriding the Tax Levy Limit,**” and

WHEREAS, the adoption of the proposed local law is subject to SEQRA as it would involve the Town adopting a local law that may impact the environment, and

WHEREAS, on October 9, 2024, the Town Board of the Town of Byron prepared a Short Environmental Assessment Form for the proposed Action, and

NOW THEREFORE, the Town Board of the Town of Byron hereby declares itself lead agency for purposes of SEQRA review.

AND THEREFORE, the Town Board of the Town of Byron finds that the adoption of the current version of the proposed local law entitled “**Local Law Number __ of 2024, Town of Byron Law Overriding the Tax Levy Limit,**” would qualify as an Unlisted action under SEQRA because it involves an action that does not fall under 6 NYCRR 617.4 or 6 NYCRR 617.5.

AND THEREFORE, the Town Board of the Town of Byron further resolves that the proposed action is classified as an Unlisted Action under SEQRA.

NOW THEREFORE, the Town Board of the Town of Byron further resolves that a public hearing on the proposed action shall be held on November 13, 2024 at 7:00 PM at the Town of Byron Town Hall.

**TOWN OF BYRON TOWN BOARD RESOLUTION
TO REFER THE TOWN OF BYRON PROPOSED LOCAL LAW ENTITLED
“Local Law Number ___ of 2024, Town of Byron Law Overriding the Tax Levy Limit”
TO THE GENESEE COUNTY PLANNING BOARD PURSUANT TO GML 239-M**

WHEREAS, the Town Board of the Town of Byron has introduced a proposed local law entitled “**Local Law Number ___ of 2024, Town of Byron Law Overriding the Tax Levy Limit**”

WHEREAS, on October 9, 2024 the Town Board of the Town of Byron declared itself lead agency for purposes of SEQRA review of the proposed action and completed the Short Environmental Assessment Form, and

WHEREAS, the Town Board of the Town of Byron is required to refer any adoption or amendment of a zoning ordinance or local law to the County Planning Board pursuant to GML 239-m.

NOW, THEREFORE, Town Board of the Town of Byron hereby refers the proposed local law entitled “**Local Law Number__ of 2024, Town of Byron Law Overriding the Tax Levy Limit**” to the Genesee County Planning Board for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof.

AND IT IS FURTHER RESOLVED, that the Town Clerk shall transmit a copy of this resolution and the completed portions of the Short Environmental Assessment Form to the Genesee County Planning Board.

AND IT IS FURTHER RESOLVED, that failure of the Genesee County Planning Board to provide said report and recommendation to the Town Board within thirty (30) days after receipt of the referral by the Town Board shall be deemed approval of the proposed local law.

**TOWN OF BYRON TOWN BOARD RESOLUTION
TO ENTER INTO AN ESCROW AGREEMENT WITH BERGEN SWAMP, LLC TO
REIMBURSE THE TOWN FOR CERTAIN
EXPENSES RELATED TO THE REVIEW OF THE
PROPOSED NY BYRON ROUTE 262 D SOLAR PROJECT**

WHEREAS, Bergen Swamp, LLC seeks to construct a community solar project of up-to 2.4 Megawatts of AC power in the Town of Byron (the "Project"); and

WHEREAS, BERGEN SWAMP, LLC made an application for a special use permit and site plan approval for the Project dated August 12, 2024 (the "Application"); and

WHEREAS, BERGEN SWAMP, LLC has agreed to pay money into escrow to defray certain expenses related to the Professionals' review of the Application up to \$50,000 upon entering into an escrow agreement between the Bergen Swamp, LLC and the Town of Byron (the "Agreement"); and

NOW, THEREFORE, Town Board of the Town of Byron hereby authorizes the Town Supervisor to execute the Agreement on behalf of the Town of Byron.