

TOWN OF ENFIELD- Resolution #_____

LOCAL LAW #__-2021
TOWN OF ENFIELD MORATORIUM ON CERTAIN LARGE-SCALE
SOLAR ENERGY APPLICATIONS, REVIEWS, AND FACILITIES

WHEREAS, the Town of Enfield (the “Town”), under the laws of New York State, desires to maintain its long tradition of protecting the health, safety, general welfare, property, and environment within its borders; and

WHEREAS, the Governing Board recognizes that regulations that were recently adopted to oversee large-scale commercial solar energy development have been affected and potentially superseded by a state-mandated regulatory scheme (ORES) that provides some tools for the town to utilize, but the guidance for the same are not in the state laws or regulations and should thusly be authorized by and within the town’s local regulatory system, duly implemented by local law; and

WHEREAS, the Town has participated in a rigorous exploration of public concerns through open public forums and comment periods addressing solar energy development, and needs time to implement the changes driven by the ORES process and regulations recently released, which are under judicial challenge, still being amended, and under which solar siting reviews have already commenced; and

WHEREAS, the New York State Municipal Home Rule Law grants the Town broad powers to adopt procedures and local laws to promote and protect the public health, safety, general welfare, property, and environment in the Town in order to protect against adverse risks and impacts of development; and

WHEREAS, moratoria are “Type II Actions” under the State Environmental Quality Review Act (SEQRA) regulations (6NYCRR section 617.5(c)(30)), and it is hereby determined that this proposed action—the adoption of a land use moratorium concerning certain large-scale solar energy facilities—does not require further environmental impact review, a determination of significance, or the preparation of any other SEQRA documents; and

WHEREAS, a proposed final draft of such law has been duly presented to the Town Board by Councilperson _____ on _____, 2021; and

WHEREAS, a public hearing for the proposed local law was duly scheduled and held on _____, 2021, and all comments and evidence were duly received and considered, and the proposed local law has not substantially changed such that no additional public hearings are required; and

WHEREAS, the Tompkins County Department of Planning has reviewed the proposed local law under General Municipal Law (“GML”) § 239-1 *et seq.*, and noted _____, and the Town Board’s response is to _____, and let service of this resolution upon County Planning suffice as the explanation required by said sections of the GML; and

WHEREAS, upon consideration of all of the foregoing, all of which shall be and be deemed a material part of this resolution, and upon due deliberation hereupon, the Town Board of Enfield adopts the following resolutions; so now therefore it be

RESOLVED: that the Town Board of the Town of Enfield hereby enacts, adopts and approves Local Law #__ of 2020 in the form as presented to this meeting, being the same as was presented at the Public Hearing; and further be it

RESOLVED, that the Town Clerk file this Local Law with the New York Department of State.

Motion by:_____

Motion seconded by: _____