

**TOWN OF SCHUYLER TOWN BOARD RESOLUTION
ISSUING SEQR NEGATIVE DECLARATION
RE: PROPOSED LOCAL LAW No. 2 of 2020**

WHEREAS, on August 12, 2020, Supervisor Anthony J. Lucenti introduced to the Town Board, at its regularly scheduled meeting, Local Law No. 2 of 2020: Amendment to the Town of Schuyler Zoning Ordinance (Local Law No. 2 of 2020), which proposes that “Solar Farms” and “Solar Power Plants” be classified as a permitted use in Commercial-Telecommunications (C-T) Districts, subject to site plan review by the Town of Schuyler Zoning Board of Appeals and the supplementary requirements set out in the 2017 Town of Schuyler Solar Ordinance; and

WHEREAS, on August 12, 2020, the Town Board resolved to make the proposed Local Law No. 2 of 2020 available to the public for review and comment; refer the Proposed Local Law to the Town of Schuyler Planning Board for its review and recommendation; and that a public hearing be held on the proposed Local Law; and

WHEREAS, on August 12, 2020, pursuant to General Municipal Law 239-m, the Town of Schuyler submitted a Form Application referring proposed Local Law No. 2 of 2020 to the Herkimer-Oneida Counties Comprehensive Planning Program (HOCCPP); and

WHEREAS, on August 17, 2020, HOCCPP issued a General Municipal Law Notice of County Recommendation, making “no recommendation as to final action”; and

WHEREAS, on September 02, 2020 the Planning Board conducted a working session to consider Local Law No. 2 of 2020, and accepted public comments on the proposed Local Law; and

WHEREAS, the Town Board held a public hearing on proposed Local Law No. 2 of 2020 on September 9, 2020, and

WHEREAS, on September 15, 2020, the Planning Board voted to recommend to the Town Board that the proposed Local Law No. 2 of 2020 be adopted by the Town Board; and

WHEREAS, the Town Board continued and concluded the public hearing on proposed Local Law No. 2 of 2020 on October 21, 2020; and

WHEREAS, the proposed adoption of Local Law No. 2 of 2020 (the “Action”) is subject to review pursuant to New York Environmental Conservation Law, Article 8 (“SEQR”) and 6 NYCRR Part 617.3(a) of the SEQR Regulations; and

WHEREAS, the Town Board caused to be prepared a SEQR Full Environmental Assessment Form (EAF) Parts 1, 2, and 3 (attached and incorporated herein), which identify any potential adverse environmental impacts that would result from the Action; and

WHEREAS, the Town Board has reviewed all three parts of the EAF and considered the criteria identified in 6 NYCRR Part 617.7(c); and

WHEREAS, the Town Board has determined that the Action is classified as a Type 1 action under 6 NYCRR Part 617.4(b)(2); and

WHEREAS, the Town Board determined that the Action is not subject to the funding or approval of any other agency; and

WHEREAS, pursuant to 6 NYCRR Part 617.6(b)(1), the Town Board intends to act as lead agency for the purposes of SEQR review; and

NOW, THEREFORE BE IT RESOLVED ON OCTOBER 21, 2020 BY THE TOWN BOARD OF THE TOWN OF SCHUYLER, NEW YORK, AS FOLLOWS:

RESOLVED, the Town Board confirms that the Action is a Type 1 SEQR action; and

BE IT FURTHER RESOLVED, the Town Board confirms that it is the lead SEQR agency, with authority to complete and sign the Determination of Significance; and

BE IT FURTHER RESOLVED, the Town Board approves the EAF Parts 1, 2, and 3; and

BE IT FURTHER RESOLVED, the Town Board, based upon: (i) its review of the EAF, Parts 1 and 2; (ii) its review of whether the Action may have a significant adverse impact on potentially relevant areas of environmental concern, including those specified in the SEQR regulations; and (iii) its review of the EAF Part 3, including the reasons noted thereon, hereby determines that the Action will not have any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, the Town Board determines that an environmental impact statement will not be required, and hereby issues a Negative Declaration, pursuant to 6 NYCRR Part 617.6(a)(2), for:

Name of Action: Local Law No. 2 of 2020: Amendment to the Town of Schuyler Solar Ordinance

Location: Town of Schuyler, Herkimer County, New York

Project Sponsor: Town of Schuyler Town Board

Lead Agency: Town of Schuyler Town Board
Town of Schuyler Municipal Building
2090 State Rte. 5
Utica, New York 13502

Contact:

Anthony J. Lucenti
Town of Schuyler Municipal Building
2090 State Rte. 5
Utica, New York 13502

Supporting

Determination:

See attached EAF Part 3; and

On a motion by _____, seconded by _____, this resolution was adopted on a vote
of ___ Ayes and ___ Nays.

STATE OF NEW YORK)

) SS:

TOWN OF SCHUYLER)

IN WITNESS WHEREOF, I have hereunto
set my hand and the official seal of the
TOWN OF SCHUYLER TOWN BOARD,
this 21st day of October 2020.

Anthony J. Lucenti, Town Supervisor

**TOWN OF SCHUYLER TOWN BOARD RESOLUTION
ADOPTING LOCAL LAW No. 2 of 2020**

WHEREAS, on August 12, 2020, Supervisor Anthony J. Lucenti introduced Local Law No. 2 of 2020: Amendment to the Town of Schuyler Zoning Ordinance (Local Law No. 2 of 2020), which proposes that Solar Farms and Solar Power Plants be permitted Commercial-Telecommunications (C-T) Districts subject to site plan review by the Town of Schuyler Zoning Board of Appeals and the supplementary requirements set out in the 2017 Town of Schuyler Solar Ordinance, to the Town Board at its regularly scheduled meeting; and

WHEREAS, on August 12, 2020, the Town Board resolved to make the proposed Local Law No. 2 of 2020 available to the public for review and comment; refer the Proposed Local Law to the Town of Schuyler Planning Board for its review and recommendation; and that a public hearing be held during which members of the public could voice their opinions; and

WHEREAS, on August 17, 2020, HOCCPP issued a General Municipal Law Notice of County Recommendation, making "no recommendation as to final action"; and

WHEREAS, on September 02, 2020 the Planning Board conducted a working session to consider Local Law No. 2 of 2020, and accepted public comments on the proposed Local Law; and

WHEREAS, the Town Board held a public hearing on proposed Local Law No. 2 of 2020 on September 9, 2020, and

WHEREAS, on September 15, 2020, the Planning Board voted to recommend to the Town Board that the proposed Local Law No. 2 of 2020 be adopted by the Town Board; and

WHEREAS, the Town Board continued and concluded the public hearing on proposed Local Law No. 2 of 2020 on October 21, 2020; and

WHEREAS, the stated purposes and intent of the 2017 Solar Ordinance. Pursuant to the law, include:

The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority and is a necessary component of the Town of Schuyler's current and long-term sustainability agenda.

To balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation.

and;

WHEREAS, proposed Local Law No. 2 of 2020 is consistent with and in conformance with the purposes and goals of the 2017 Solar Ordinance and is consistent with the Town's current and long-term sustainability agenda.

NOW, THEREFORE BE IT RESOLVED ON OCTOBER 21, 2020 BY THE TOWN BOARD OF THE TOWN OF SCHUYLER, NEW YORK, AS FOLLOWS:

RESOLVED, that proposed Local Law entitled, "Amendment to the Town of Schuyler Zoning Ordinance" be and hereby is adopted as Local Law No. 2 of 2020 on October 21, 2020; and

BE IT FURTHER RESOLVED, Local Law No. 2 of 2020 shall be operative as of the passage of this resolution; and

BE IT FURTHER RESOLVED, the Town Board directs that a notice of this Resolution be circulated to all identified interested agencies, posted on the Town of Schuyler's website, and otherwise published or filed as required by applicable law.

On a motion by _____, seconded by _____, this resolution was adopted on a vote of ___ Ayes and ___ Nays.

STATE OF NEW YORK)

) SS:

TOWN OF SCHUYLER)

**IN WITNESS WHEREOF, I have hereunto
set my hand and the official seal of the
TOWN OF SCHUYLER TOWN BOARD,
this 21st day of October 2020.**

Anthony J. Lucenti, Town Supervisor