

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF CALLICOON OF LOCAL LAW NO.1 OF 2021

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Callicoon for a Public Hearing to be held by said Town Board on March 22, 2021 at 7 P.M. at the Town of Callicoon Town Hall, 19 Legion Street, Jeffersonville, New York 12748 to hear all interested parties on a proposed Local Law entitled “The Town of Callicoon Renewable Energy Systems Law”, and

WHEREAS, notice of said Public Hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Town on March 12, 2021;

WHEREAS, said Public Hearing was duly held on March 22, 2021 day at 7 PM at 19 Legion Street, Jeffersonville, NY 12748, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, a further Resolution was duly adopted by the Town Board of the Town of Callicoon for a further Public Hearing to be held by said Town Board on July 12, 2021 at 7:15 PM at the Town Hall at 19 Legion Street, Jeffersonville, New York 12748 to hear all interested parties on proposed modifications of said Local Law, and

WHEREAS, notice of said Public Hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Town on July 2, 2021.

WHEREAS, said Public Hearing was duly held on July 12, 2021 at 7:15 PM at 19 Legion Street, Jeffersonville, New York 12748 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Sullivan County Department of Planning recommended approval of the proposed Local Law on July 8, 2021 pursuant to Section 239-m of the General Municipal Law.

WHEREAS, This resolution proposes new legislation in the form of a local law amending the Town of Callicoon Zoning Law establishing new provisions designed to address current renewable energy development patterns and pressures.

WHEREAS, The new provisions related to renewable energy generation systems are proposed in the form of a Local Law pursuant to the authority and power granted to the Town Board and the Town by Articles 2 and 3 of the New York State Municipal Home Rule Law and by Article 2 of the New York State Statute of Local Governments.

WHEREAS, Pursuant to the authority granted in New York State Town Law § 272-a, the Town of Callicoon adopted a Comprehensive Plan. That Plan sets forth Callicoon’s vision for its future, and the blueprint for how the Town should grow and how Callicoon should preserve the characteristics and qualities of the Town so valued by Town residents. The Comprehensive Plan

consists of materials, written and/or graphic, including, but not limited to, maps, charts, elements, appendices and other descriptive material. Section 272-a (11) of the Town Law requires, in relevant part, that all town land use regulations must be in accordance with an adopted Comprehensive Plan.

WHEREAS, It is our intention to adopt a Zoning Law which brings Callicoon's zoning law into accord with the adopted Comprehensive Plan. Our existing Town Zoning Law does not address current solar developments and the Town recognizes there is a need for the Zoning Law to address current land uses related to renewable energy use.

WHEREAS, In addition to, and in confluence with the implementation of the goals of the Town's Comprehensive Plan, it is also the purpose of the proposed Zoning Law to exercise our Town's right to protect our citizens by controlling the use of land so as to broadly protect the public health, safety and general welfare and to carry out locally established goals and objectives in accordance with a comprehensive plan designed to preserve and protect, for the benefit of the town as a whole, the basically rural-agricultural character of the Town.

WHEREAS, The Town Board reviewed the Environmental Assessment Form (EAF), Part 1, Part 2 and Part 3 pursuant to the State Environmental Quality Review Act (SEQRA).

WHEREAS, The Town Board determined that no significant adverse environmental impacts would result from adoption of Local Law #1 of 2021 and issued a Negative Declaration pursuant to 6 NYCRR Part 617. The rationale for this is detailed in Part 3 FEAF, and summarized as follows:

- a. Adoption of this local law will allow the Town of Callicoon to avoid or mitigate adverse impacts that may occur as a result of development of renewable energy generating systems.
- b. The Law is designed to protect the environment, promote farming, preserve important farmland soils, maintain the Town's rural character, and preserve the natural resources found in Callicoon.
- c. The law allows for small-scale development with some design standards oriented to avoiding or mitigating impacts to neighbors and roads through such tools as setbacks, and height limits, and allows for some commercial-scale renewable energy development of such size and intensity to be consistent with the community, agricultural and environmental goals of Callicoon as established in the Comprehensive Plan. Resources such as floodplains, streams, wetlands, prime farmland soils, steep slopes > 25% are specifically protected.
- d. The law prohibits utility-scaled development as such was deemed incompatible with the community, agricultural and environmental goals of Callicoon as established in the Comprehensive Plan

NOW THEREFORE, BE IT RESOLVED,

- Section A. That the Town Board hereby determines that adoption of Local Law 1 of 2021 will not have any significant adverse environmental impacts.
- Section B. That no environmental impact statement shall be written.
- Section C. That the Town Board issues a negative declaration with respect to adoption of this local law.
- Section D. That the Town Board instructs the Town Clerk to file the ENB form as required by 6NYCRR Part 617.
- Section E. That the Town Board instructs the Town Clerk to maintain a file in her office in the Town Hall to contain all parts of the law along with FEAF Parts 1, 2 and 3, a copy of the ENB notice, and of this resolution, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Callicoon hereby adopts said Local Law No.1 entitled “The Town of Callicoon Renewable Energy Systems Law.”, a copy of which is attached hereto and made a part of this Resolution, and

BE IT FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Minutes of this meeting and in the Local Law Book of the Town of Callicoon and to give due notice to the adoption of said Local Law to the Secretary of State of New York.

Resolution adopted this July 12, 2021.

Kim Klein, Town Clerk