

**Tompkins County**  
**DEPARTMENT OF PLANNING AND SUSTAINABILITY**

121 East Court Street  
Ithaca, New York 14850

Katherine Borgella, AICP  
Commissioner of Planning and Sustainability

Telephone (607) 274-5560

August 6, 2019

Guy Kroh, Attorney for the Town  
Town of Enfield  
182 Enfield Main Road  
Enfield, NY 14850

**Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law**  
**Action: Town of Enfield Site Plan Amendments for Solar Facilities**

Dear Mr. Kroh:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Department of Planning & Sustainability pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community, or county-wide impacts as described below. We recommend modification of the proposal. If the Board does not incorporate the recommendations, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

The Tompkins County Department of Planning and Sustainability has developed the attached "Municipal Tools to Promote and Regulate the Deployment of Renewable Energy Systems in Tompkins County." The Department's recommendations included in the report are intended to a) provide a framework for regulating various scales of renewable energy systems, b) assist municipalities in identifying potential land use impacts of different types and scales of renewable energy systems, c) encourage consistency among municipalities in how they regulate renewable energy systems, and d) identify the issues likely to be raised by the County when reviewing proposed regulations and proposals for development of renewable energy systems.

Accordingly, we offer the following recommended modifications and comments on the Town of Enfield's draft Solar Power Siting Amendments to Site Plan Review Law<sup>1</sup>.

**Recommended Modifications**

- 1) The proposed law would allow Ground-Mounted Solar Energy Systems, other than Large-Scale Solar Energy Systems (LSES), as accessory structures for residential use and exempt them from any site plan review. We recommend that all Ground-Mounted Solar Energy Systems be allowed as an accessory use of the property, not just those for residential uses (page 6).
- 2) The proposed law would require a glare assessment survey for all LSES to address glare on other parcels of land. We recommend that glare analyses only be required when there is a use nearby that is particularly sensitive to glare (page 8).

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<sup>1</sup> Page numbers refer to pages in the "Municipal Tools" document referenced above where you can find more details.

- 3) The proposed law would require LSES, including related fencing, be setback at least fifty feet from lot lines and at least 125 feet from the centerline of roads. We recommend not requiring more than 30 foot rear or side setbacks, excluding fencing. (Recommendations: Solar Energy Systems, 2<sup>nd</sup> page, "Location on a Property.")
- 4) The proposed law would limit the enclosed or fenced area of a LSES to 60% of the lot on which it is installed. We recommend that there be no lot coverage limitation, and that any stormwater management issues be addressed in other ways (page 8).

The Department offers the following comments regarding the proposed law, which are not formal recommendations under General Municipal Law §239 -l, -m and -n:

#### Comments

- The proposed law refers to a list of "areas of potential environmental sensitivity." For clarity, it should not refer to resources "identified by Tompkins County Planning Department mapping services", as we provide GIS maps using the original data provided to us and it is not an "official" source of those data for regulatory purposes.
- The proposed law requires notification of all property owners within one mile of the proposed LSES. We believe this is excessive, as the entire Town is only approximately 6 miles wide/long. We recommend using the notification of property owners within 600 feet of the proposal as currently provided for other site plan applications.
- The proposed local law states that permit applications for LSES are deemed Type I projects under SEQRA. We assume the Town, in establishing a more restrictive Type I List, will be following the State requirements to conduct a public hearing, notify the commissioner of the Department of Environmental Conservation, and place a notice in the Environmental Notice Bulletin.
- The proposed local law states that the Town Board shall be designated the lead agency and the Planning Board an interested party for the purposes of any SEQRA review. We reviewed The SEQR Handbook. Fourth Edition 2019 and found on page 183, in response to the Question "May a municipal board delegate its SEQR duties to another board?" the Handbook states that every board with decision-making authority has a duty to consider the environmental effects of their decisions. We believe that delegating SEQRA review to a non-involved agency is not permitted. In the case of the proposed law, as currently written, the Planning Board is the decision making authority and the Town Board is not involved in the approval process.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,



Katherine Borgella, AICP  
Commissioner of Planning and Sustainability

Cc: Anne Koreman, Tompkins County Legislator, District 5  
David McKenna, Tompkins County Legislator, District 8

Attachment