

RESOLUTION 19-___

RESOLUTION ADOPTING AND APPROVING TOWN OF ENFIELD
SITE PLAN REVIEW LOCAL LAW - LOCAL LAW #2 OF 2019

At a Regular Meeting of the Town Board of the Town of Enfield, held in and for the Town of Enfield at the Enfield Community Building, upon the 21st day of August, 2019, the following Town Board members were present:

Virginia Bryant, Councilperson;
Michael Carpenter, Councilperson;
Mimi Mehaffey, Councilperson;
Becky Sims, Councilperson; and
Beth McGee, Supervisor.

Upon discussion and deliberation thereupon, the following resolutions were duly made by motion of _____, and duly seconded by _____; and the vote was as follows:

Virginia Bryant, Councilperson _____
Michael Carpenter, Councilperson _____
Mimi Mehaffey, Councilperson _____
Becky Sims, Councilperson _____
Beth McGee, Supervisor _____

And, accordingly, the following resolutions were therefore duly approved and so adopted:

WHEREAS, since the **2012 adoption of Local Law #2**, establishing an updated site plan review local law for the Town of Enfield, certain alternative energy land uses have become prevalent, and while alternative energy is supported by the Town Board, not all systems are the same and some forms of energy production can have significant land use and other impacts, such that the site plan review law was in need of being updated; and

WHEREAS, the Town Board formed a committee of public officers, employees, and citizens to study alternative energy, and such committee worked with several agencies and persons to develop and propose amendments to the site plan law and procedures for solar facilities, including enhanced requirements for large-scale facilities and those in need of a solar permit; and

WHEREAS, a negative declaration was duly issued under SEQRA by the Lead Agency; and

WHEREAS, this matter was duly referred under General Municipal Law § 239-l, et, seq, and the Tompkins County Department of Planning and Sustainability duly responded making four official recommendations, and the Town Board has responded as follows:

1. **Tompkins County comment:** *“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 law. 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)."

Enfield response: We recommend no change. The law, as written, fully complies with this recommendation already. Tompkins County has mistakenly read Section 5.B. of our law to only apply to residential lots. In fact, Section 5.B. applies to all properties other than Large-Scale Solar Energy Systems and treats those ground-mounted solar systems as accessory structures exempt from site plan review which is consistent with the county's recommendation. On page 6 of the county's TOOLS TO PROMOTE AND REGULATE THE DEPLOYMENT OF RENEWABLE ENERGY SYSTEMS, the county distinguishes the treatment of LSES when it recommends: "*Approval Process. Large-Scale Solar Energy Systems should be permitted either with a special use permit or with a site plan review and a public hearing on proposals should be required.*" In our draft law, LSES are required to undergo a site plan review and a public hearing, consistent with the county's recommendations in its tools document.

2. **Tompkins County comment:** "*The proposed law would require a glare assessment survey for all LSES to address glare on other parcels of land. We recommend glare analyses only be required when there is a use nearby that is particularly sensitive to glare (page 8)."*

Enfield response: We recommend no change. We believe the burden to determine whether a glare issue exists should be put on the developer and not on the Town of Enfield. Glare assessments are relatively easy to prepare and inexpensive. The Chairman of the Town of Enfield's Planning Board estimates that a glare assessment for a very complicated site can be prepared for less than \$5,000. Furthermore, the Planning Board has the authority to waive this requirement where warranted.

3. **Tompkins County comment:** "*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 Systems, 2nd page, "Location on a property.")"*

Enfield response: To accommodate the County's comments, we recommend changing the rear and side setbacks to be 30 feet, including fencing. This seems to be consistent with the county's recommendation in its tool which states: "*Large-Scale Solar Energy Systems should ... not be required to have more than 30 foot rear or side setbacks.*" There is nothing in their tool to indicate that such setback should not include fencing. We can see no rationale for excluding the fencing in this setback. According to the Chairman of the Town of Enfield's Planning Board this is consistent with other towns' laws in the area.

4. **Tompkins County comment:** "*The proposed law would limit the enclosed or fenced area of an 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)."*

Enfield response: We recommend that no change be made. The county misunderstands the purpose for this provision in our law. It has nothing to do with storm-water management. Rather, it is intended to address the Town's draft Comprehensive Plan's vision to maintain the town's rural character. The Town of Enfield does not have a zoning law so we cannot directly control where LSES can be erected. To help address this, we are limiting the size of any LSES on any one property to help the town maintain its rural character.

and;

WHEREAS, a proposed final draft of such law has been duly presented to the Town Board by the Town Supervisor, as reviewed and recommended by the committee and a notice of a public hearing was published and posted in accord with law and a public hearing was duly held upon July 24, 2019, whereat the public was invited to comment upon the proposed local law and speak in favor of or against such local law, or any part thereof, and whereat all persons interested in the subject were duly heard and all evidence taken; and upon and in consideration of comments received thereat and upon due consideration thereupon, the Town Board of the Town of Enfield has hereby found that adoption of this local law is in the public interest of the Town of Enfield and, accordingly, the Town Board of the Town of Enfield has duly

RESOLVED, that **Local Law #2 of 2019**, entitled "**Solar Power Siting Amendments to Site Plan Review Law**", be and hereby is approved and adopted in the form as presented to this meeting, and in such form "be it so enacted"; and it is further

RESOLVED, that in accord with Town Law and §§ 21 and 27 of the Municipal Home Rule Law the final adopted version of this Local Law shall be spread upon or attached to the Minutes of this Meeting and, within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law with New York State Secretary of State, State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231.