

TOWN OF AMSTERDAM TOWN BOARD

A RESOLUTION TO REFER TO THE PLANNING BOARD PROPOSED AMENDMENTS TO THE TOWN OF AMSTERDAM ZONING LAW TO CREATE A UTILITY-SCALE SOLAR ENERGY SYSTEMS FLOATING ZONE AND TO MAKE CERTAIN OTHER CHANGES RELATING THERETO

Whereas, as amended on September 8, 2021, the Town of Amsterdam Zoning Law allows USSES development within its boundaries in the B-1 (Business), B-2 (Restricted Business), and M-1 (Manufacturing/Mixed Use) Districts, subject to certain requirements, including Supplementary Regulations set forth at Article VII, Section 35; and

Whereas, the Town of Amsterdam has seen an increase in proposed land development projects involving Utility-Scale Solar Energy System (USSES) installations in locations in Town outside of the aforementioned zoning districts, which may be due to factors such as the availability of suitable parcel sizes and the location and capacity of the serving electrical utility's infrastructure, such as transmission lines and substations; and

Whereas, the Town Board desires, first and foremost, and as stated in Article VII, Section 35, to encourage and allow USSES development so long as they fit in with the Town's community character, do not impact neighboring properties, are safely installed and operated, and do not impair scenic views or vistas, future growth, and economic development of the Town, and are appropriately and promptly removed upon decommissioning; and

Whereas, in order to achieve these objectives, and provide for the appropriate development of USSES with proper guidelines, criteria, planning, and robust case-by-case review, the Town Board desires to amend the Zoning Law; and

Whereas, the Town Board is empowered to create Floating Zones within the Zoning Law, and this zoning, once created, can be affixed to a large area upon the application of all or a majority of the landowners, or by the Town Board, on its own motion, and this action, if successful, results in the amendment of the zoning map to redistrict the subject parcels and permit the new use; and

Whereas, Floating Zones allow the local legislature to create the use district now and define its geographic boundaries later, and when conditions become favorable for an appropriate parcel of land to be developed for uses allowed by the floating zone, the property owner (or Town Board) can seek to rezone the parcel; and

Whereas, the Town Board desires to implement a USSES Floating Zone, and to make certain changes relating thereto, in order to address the aforementioned objectives while recognizing that the unique needs and potential impacts of USSES developments create uncertainty with respect to where in the Town best achieves these objectives; and

Whereas, pursuant to the Town of Amsterdam Zoning Law Article XIII, Section 51, and NYS Town Law 274, referral to the Town of Amsterdam Planning Board is necessary in order to amend its Regulations or District Boundaries;

now, therefore, be it

RESOLVED, that the Town Board seeks to create a Utility-Scale Solar Energy System Floating Zone; and

be it further

RESOLVED, that the Town Board hereby classifies the proposed action as a type 1 action, in accordance with SEQR, and declares its intent to be lead agency for the purposes of conducting the required review under SEQR; and

be it further

RESOLVED, that the matter of USSES Floating Zone creation is hereby referred to the Town of Amsterdam Planning Board, in accordance with Town and NYS law, which shall submit its report within sixty (60) days after receiving such referral.

Dated: January 25, 2023

Sponsored by:

Seconded by:

ADOPTED- -AYES- -NOES

DRAFT