

TOWN OF EATON
TOWN BOARD RESOLUTION 22-2023

November 14, 2023

TOWN OF EATON LOCAL LAW 4 OF 2023

("A Local Law Amending Chapter 120 of the Town of Eaton Code to Regulate Commercial Wind Energy Facilities within the Town of Eaton)

_____ introduced proposed Local Law No. 4-2023, "Amending Chapter 120 of the Town of Eaton Code to Regulate Commercial Wind Energy Facilities within the Town of Eaton", which will result in the repeal of existing regulations set forth in Article VC of Chapter 120 of the Town Code and the adoption of new regulations which are intended to preserve the health, safety and welfare of the Town while also facilitating the production of renewable energy, and made the following motion, which was seconded by _____:

WHEREAS, proposed Local Law 4-2023 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the adoption of said Local Law is a Type I action for purposes of environmental review under SEQRA; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Eaton, such that there are no other involved agencies within the meaning of the SEQRA with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the Town Board has determined that a Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, the said full EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. 4-2023 is a Type I action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED that the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED AND DETERMINED that the reasons for the foregoing declaration are as follows:

1. If adopted, proposed Local Law No. 4-2023 will address changes in renewable energy and permit and regulate the construction of commercial wind energy systems in the Town of Eaton in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

2. In reviewing and regulating the placement and use of certain wind energy facilities, the Town has recognized that a carefully coordinated special use permit and site plan review will be taken by the Planning Board.

3. In regulating the placement and use of wind energy facilities, the Town proposed regulations are designed to minimize the impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those facilities in the proper circumstances.

4. This Local Law seeks to accommodate public demand for wind energy facilities, while minimizing potential adverse impacts upon neighboring uses.

5. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, lighting, utility services, setbacks, and others.

6. Enactment of proposed Local Law No. 4-2023 will be more protective of the environment than the proliferation of wind energy facilities in the absence of regulations.

7. Proposed Local Law No. 4-2023 seeks to minimize aesthetic and other impacts of such uses on their neighbors, and as such, its adoption will have no significant effect on land use, air or water quality, traffic, solid waste production, drainage, animal or vegetation life; will not attract numbers of people to the Town; will not create any conflict with the Town's plans or goals; will not impair the character of any community or neighborhood resource; will not create any health hazard; will not result in any change in energy use; and will not create any demand for other action which would result in the above consequences; and it is further

RESOLVED AND DETERMINED that this Board adopts and incorporates into this Resolution the attached Notice of Negative Declaration; and it is further

RESOLVED AND DETERMINED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. 4-2023 at Town Hall located at 35 Cedar Street, Morrisville, New York in the Town of Eaton on December 12, 2023, at 6:05 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

David Verne	Councilor	Voted	Yes/No
Jean Hilts	Councilor	Voted	Yes/No
Stephen Dickerson	Councilor	Voted	Yes/No
Jeff Golley	Councilor	Voted	Yes/No
Joseph Wicks	Supervisor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: November 13, 2023