

TOWN OF AMSTERDAM TOWN BOARD

A RESOLUTION ISSUING A SEQR DETERMINATION AND ADOPTING LOCAL LAW NO. [INSERT] OF 2024 TO AMEND THE TOWN OF AMSTERDAM ZONING LAW TO A PROPOSED LOCAL LAW RELATING TO BATTERY ENERGY STORAGE SYSTEM DEVELOPMENT

Whereas, battery energy storage system (BESS) development in New York State has increased in recent years, due to State policy supporting such development as well as the need to accommodate renewable energy generation; and

Whereas, on September 20, 2023, the Town Board of the Town of Amsterdam adopted a six (6) month moratorium on applications for permits, site plans, or other land use approvals for solar storage batteries and utility-scale energy storage systems in order to study these developments and potential avenues for local regulation thereof, and has, in the intervening time, conducted extensive study of the matter; and

Whereas, on February 21, 2024, and in accordance with the Town of Amsterdam Zoning Law, the Town Board referred to the Planning Board proposed amendments to the Zoning Law to allow BESS development in the Town; and

Whereas, in its July 1, 2024 report, received by the Town Board, the Planning Board recommended that small-scale BESS, defined generally as BESS with storage capacity of 600 kW or less, would be allowed as accessory uses in all zoning districts and that utility-scale BESS (600 kW capacity or more) would be defined as a Prohibited Use; and

Whereas, on July 18, 2024, the Town Board moved to direct the Town Attorney and Town Engineer to redraft the proposed zoning law amendments such that said amendments are consistent with the Planning Board's aforementioned report (the "revised proposed local law"); and

Whereas, the revised proposed local law was introduced to the Town Board on [INSERT DATE OF LEGAL NOTICE]; and

Whereas, the revised proposed local law was referred on August 15, 2024 to the Montgomery County Planning Board, in accordance with General Municipal Law Section 239-m; and

Whereas, the Town Board held a duly noticed public hearing on August 21, 2024 concerning adoption of the revised proposed local law, at which all interested parties were afforded an opportunity to be heard; and

Whereas, the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district is a type 1 action in accordance with the SEQR regulations at 6 CRR-NY 617.4(b)(2), and the Town Board has caused a Full Environmental Assessment Form Part 1 (FEAF Part 1) to be prepared pursuant to SEQR (ECL Article 8 and 6 NYCRR Part 617) for the proposed adoption of Local Law No. [INSERT] of 2024; and

Whereas, on February 21, 2024, the Town Board declared their intent to seek lead agency status under SEQR in connection with a coordinated review, potential involved and interested agencies were contacted on August 15, 2024 with the revised proposed local law, and the Town Board has identified no other potentially involved agencies pursuant to SEQR; and

Whereas, the Town board has carefully considered the contents of the FEF Part 1 for the adoption of Local Law No. [INSERT] of 2024 in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

Whereas, the Town Board has prepared Part 2 of the FEF and compared the proposed action against the criteria listed in 617.7 (c) (i – xii), has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7 (2), and has also assessed the likely consequence of the action in connection with the criteria of 617.7 (3) (i-vii);

now, therefore, be it

RESOLVED, that, with respect to SEQRA, the Town Board hereby:

1. Reaffirms its classification of adoption of Local Law No. [INSERT] of 2024 as a type 1 action under SEQRA and hereby declares itself lead agency for purposes of conducting the required review under SEQRA;

2. Determines that, based on the environmental assessment and review, adoption of Local Law No. [INSERT] of 2024 will not have any significant adverse impact on the environment and that a negative declaration, pursuant to Part 3 of the FEF, is hereby adopted;

3. Authorizes the Supervisor to sign Part 3 of the FEF indicating thereon that an Environmental Impact Statement will not be prepared, and hereby directs the Town Clerk to cause the Notice of Determination of Non-Significance attached to be filed as required by law; and

be it further

RESOLVED, that the Town Board of the Town of Amsterdam hereby adopts Local Law No. [INSERT] of 2024 and directs the Town Clerk to file the necessary paperwork with the Secretary of State.

Dated: September 18, 2024

Sponsored by:

Seconded by:

ADOPTED- -AYES- -NOES