

**RESOLUTION**

A Meeting of the Town Board of the Town of Blooming Grove, New York was convened on October 17, 2017 at 7:30 p.m.

The following Resolution was duly offered and seconded to wit:

**RESOLUTION WAIVING LARGE-SCALE SOLAR FARMS FROM THE LAND USE MORATORIUM**

WHEREAS, on November 22, 2016, the Town Board enacted a Moratorium on land use development, which Moratorium was last extended by Local Law No. 9 of 2017 and remains in place (the “Moratorium”); and

WHEREAS, the Moratorium preserved the status quo of land use in the Town until such time as the Town updated its Comprehensive Plan; and

WHEREAS, the Moratorium specifically prohibited the construction of large scale solar farms with the Town of Blooming Grove in order to maintain the status quo until such time as the Comprehensive Plan was completed or until such time as the zoning law was amended to regulate solar energy systems; and

WHEREAS, on August 8, 2017, the Town Board duly enacted a local law titled “Solar Energy Systems,” which amended the Town’s zoning law to regulate the construction of solar energy systems within the Town of Blooming Grove (the “solar energy system zoning law”); and

WHEREAS, the Town Board has identified with specificity modifications to the solar energy system zoning law that will improve the Town’s review of and regulation of solar energy systems and is in the process of amending said zoning law; and

WHEREAS, the Town Board has determined that the solar energy systems zoning law combined with the modifications already identified is sufficiently robust to allow applications for solar energy systems to proceed within the Town’s borders.

NOW THEREFORE, it is hereby resolved by the Town Board as follows:

1. The above “WHEREAS” paragraphs are incorporated herein by reference.
2. The Town Board hereby exempts solar energy systems from the Moratorium.
3. Full Compliance with the Solar Energy Systems Local Law and full compliance with the following additional conditions:
  - a. All applications for large-scale solar energy systems shall be a Type I Action for the purpose of compliance with the State Environmental Quality Review Act;
  - b. The maximum amounts of electricity generated by the system and the maximum area of land upon which the system shall be erected are as follows:

- i. Up to one (1) Megawatt per hour on an area of land no larger than ten (10) acres, excluding any easement for accessing the area; or
    - ii. Over one (1) but not to exceed two (2) Megawatt per hour on an area of land no larger than twenty (20) acres, excluding any easement for accessing the area.
  - c. Large-scale solar energy systems shall be prohibited in the following overlay zones
  - d. Any Large-Scale Solar Energy System shall be set back at least 200 feet from any public or private road, and from all lot lines and no less than one-quarter (1/4) mile from any other existing large scale solar energy system.
  - e. The applicant shall identify the type of solar panel proposed and whether the panels track the sun. The Planning Board shall assess the potential noise impact to adjoining uses from any solar tracking system.
  - f. A Large-Scale Solar Energy System is a prohibited use in the Ridgeline Overlay District. The Planning Board shall determine whether a large-scale solar energy system shall be allowed in any other Overlay District on a case-by-case basis consistent with SEQRA review. When determining the impact of a large-scale solar energy system on any Overlay District, the Planning Board shall include an analysis of any and all buildings, materials and structures that are part of the solar energy system.
  - g. Large scale solar energy systems will not be permitted within ¼ mile from any other Large-Scale Solar System in the unincorporated Town of Blooming Grove that is existing, under construction or pending before the Town Planning Board. The Planning Board will consider whether solar installations are located in neighboring municipalities when reviewing applications and may require additional screening as a condition of approval.
  - h. Construction of a large-scale solar energy system shall not require clear-cut of the entire area of the installation. No greater than fifteen (15) percent of total land area may be cleared of existing brush, trees, and other screening vegetation to accommodate a large-scale solar farm, subject to review by the Planning Board.
4. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly adopted on a roll-call vote as follows:

	Yea	Nay	Abstain	Absent
Robert A. Fromaget, Supervisor	[ ]	[ ]	[ ]	[ ]
Johanna Kiernan, Deputy Supervisor	[ ]	[ ]	[ ]	[ ]
Ronald S. Jurain, Councilperson	[ ]	[ ]	[ ]	[ ]
Mark Levy, Councilperson	[ ]	[ ]	[ ]	[ ]
George KyDon, Councilperson	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.