

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON DECEMBER 20, 2023 AT 6:00 P.M.

RESOLUTION #26-431/2023 To adopt Local Law No. 14 of 2023 to amend the Town of Henrietta Code regarding Solar Energy Systems.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Bellanca

WHEREAS, a public hearing has been duly advertised and held on a proposed local law to "Amend the Town of Henrietta Code Regarding Solar Energy Systems," amending the Special Use Permit requirements relative to large-scale solar energy systems, allowing protection of off-site active farms; and

WHEREAS, in regards to SEQR, the Town has previously completed SEQR review relative to permitting large-scale solar energy facilities on farmlands in Town, including by way of approval of a Generic Environmental Impact Statement, approved January 9, 2019 through Resolution #2-64/2019, which addressed updating the Town Code to permit large-scale solar facilities in Town, and then later completed further SEQR review, including specifically assessing the permitting of large-scale solar facilities in relation to farm operations, including requiring preservation of active farmlands in Town, all by way of approval of a Final Supplemental GEIS on March 26, 2021 through Resolution #11-133/2021, and thus the Town finds it has adequately completed SEQR review for the subject Local Law by way of said extensive SEQR assessments; and

WHEREAS, the Henrietta Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law for all the reasons set forth therein.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby approves and adopts Local Law No. 14 of 2023 to amend the Town of Henrietta Code regarding Solar Energy Systems, which Local Law is attached hereto, incorporated herein, and made a part hereof.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Duly put to a vote:
Councilmember Sefranek Aye
Councilmember Bolzner Aye
Councilmember Page Aye
Councilmember Bellanca Aye
Supervisor Schultz Aye

RESOLUTION ADOPTED

LOCAL LAW NO. 14 OF 2023 TO AMEND THE TOWN OF HENRIETTA CODE REGARDING SOLAR ENERGY SYSTEMS

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 14 of 2023 to Amend the Town of Henrietta Code Regarding Solar Energy Systems, and its purpose is to specify that large scale solar energy systems shall additionally be permitted on farms where the farmland to be protected is not contiguous.

Section III. Legislative Intent and Finding

This local law is adopted to advance and protect the public health, safety, and welfare of the Town of Henrietta by revising regulations for the installation and use of solar energy generating systems and equipment with the following objectives: to continue to take advantage of a safe, abundant, renewable, and non-polluting energy resource, to decrease the cost of energy to the owners of commercial and residential properties, including single-family houses, to increase employment and business development in the Town, to the extent reasonably practical, by furthering the installation of solar energy systems, and to minimize adverse impacts on environmental resources such as important agricultural lands, forests, wildlife and other protected resources and neighboring properties through said regulations, including careful design and installation of solar energy systems.

Section IV. Legislation and Codification

The following legislation is hereby enacted and implemented, including to be codified in the Henrietta Code as set forth herein, and which legislation, Code and provisions/amendments shall read as set forth herein:

Chapter 295 of the Henrietta Town Code is hereby amended at subsection 295-73[D], as follows:

Subsection (20) thereof shall be revised to read as follows:

(20) Agricultural conservation easements and/or deed restrictions, in a form acceptable to the Town, shall restrict non-agricultural activities on 75% of the total eligible farm acreage of the subject farm on which the large-scale solar energy system is located. Said easements/restrictions shall be filed and recorded with the Monroe County Clerk's Office prior to the issuance of a building permit.

A new Subsection (21) thereof shall be added, with the existing Subsection (21) and all subsections thereafter to be preserved but renumbered accordingly, with the new subsection (21) to read as follows:

(21) As an alternative to the above at subsection (20), agricultural conservation easements and/or deed restrictions, in a form acceptable to the Town, shall restrict non-agricultural activities on eligible farm acreage of a non-contiguous (off-site) active farm, said non-contiguous (off-site) active farm to be in the in the Town of Henrietta, all in an amount of acreage equal to four times the acreage of the subject proposed solar facility. Said easements/restrictions shall be filed and recorded with the Monroe County Clerk's Office prior to the issuance of a building permit. In this case, for subsections (2) and (3), above, "farm" shall apply to the non-contiguous (off-site) farm.

Section V. Validity and Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect immediately upon filing in the office of the New York State Secretary of State.