

**TOWN BOARD OF THE TOWN OF FLORIDA  
COUNTY OF MONTGOMERY, STATE OF NEW YORK**

Resolution No. 76 of 2023  
Adopted November 20, 2023

Introduced by: Councilman Mark Quiri  
who moved its adoption.

Seconded by: Councilman Matthew Gogis

**RESOLUTION ADOPTING PROPOSED LOCAL LAW  
NO. 1 OF 2023 TITLED: A LOCAL LAW AMENDING THE TOWN OF  
FLORIDA ZONING ORDINANCE BY AMENDING PROVISIONS  
RELATING TO SOLAR ENERGY SYSTEMS**

**WHEREAS**, pursuant to Article 16 of Town Law and Section 10 of Municipal Home Rule Law, the Town Board of the Town of Florida (the “Town”) has the authority to adopt local laws concerning regulating and controlling land use within the Town and to protect the health, safety and welfare of its residents; and

**WHEREAS**, The Town supports the responsible development of sustainable renewable energy sources such as solar energy; and

**WHEREAS**, The Town acknowledges that solar energy systems have an impact on the community and neighboring properties; and

**WHEREAS**, The Town seeks to mitigate the impacts of solar energy systems so as not to adversely effect the Town’s unique character or contradict the Town’s comprehensive plan; and

**WHEREAS**, in order to accomplish the above, the Town desires a process that welcomes responsible use of solar energy systems while maintaining the necessary level of oversight and control; and

**WHEREAS**, after due deliberation the Town developed the proposed Local Law to repeal and replace the Article VIII Section 45.5 of the Town of Florida Zoning Ordinance; and

**WHEREAS**, pursuant to Article XIII section 58, of the Town’s Zoning Ordinance, the Town referred the proposed Amended Zoning Ordinance to the Planning Board for review and recommendation; and

**WHEREAS**, on August 21, 2023 the Planning Board reviewed, deliberated, offered comments, and recommended approval of the Town’s proposed Amended Solar Ordinance; and

**WHEREAS**, the Town finds and determines that this Local Law is necessary to protect the health, safety and welfare of its citizens; and

**WHEREAS**, the Town scheduled a public hearing to be held before the Town Board on September 18, 2023 at 6:00 p.m. at the Offices of the Town of Florida, 214 Fort Hunter Road, Amsterdam, New York, to hear all interested parties regarding the adoption of a proposed Local Law titled A local law amending the Town of Florida Zoning Ordinance by amending provisions relating to solar energy systems; and

**WHEREAS**, notice of said public hearing was duly posted and then published in *The Recorder* the official newspaper of the Town, on September 12, 2023, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law; and

**WHEREAS**, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

**WHEREAS**, the Town declared that this action is an unlisted action under SEQRA, and declared itself to be lead agency for SEQRA review of the action and a Short Environmental Assessment Form for this proposed Local Law has been prepared.

**NOW, THEREFORE BE IT RESOLVED** by the Town Board of the Town of Florida as follows:

Section 1. The Town Board has taken a hard look at the potential adverse environmental impacts of the proposed action and has issued a negative declaration in connection with its findings pursuant to the State Environmental Quality Review Act (“SEQRA”), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof constitutes an Unlisted Action that will not have any significant adverse impact upon the environment.

Section 2. The Town Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town.

Section 3. The proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof. The Law shall take effect immediately upon its filing in the Office of the Secretary of State.

Section 4. The clerk is hereby instructed to file a certified copy of the Local Law with  
the Secretary of State.

Section 5. This resolution shall take effect immediately.

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Town Board, Town of Florida, NY			
Name of Action or Project: Adoption of Local Law amending zoning ordinance by amending provisions relating to solar energy systems			
Project Location (describe, and attach a location map): Various			
Brief Description of Proposed Action: Adoption of Local Law governing solar energy systems.			
Name of Applicant or Sponsor: Eric Mead, Town Supervisor		Telephone: 518-843-6372	
		E-Mail: emilystaley.tofclerk@outlook.com	
Address: 214 Fort Hunter Rd			
City/PO: Amsterdam		State: NY	Zip Code: 12010
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____		acres	
b. Total acreage to be physically disturbed? _____		acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____		acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Eric Mead, Town Supervisor, Town of Florida Date: November 20, 2023

Signature: \_\_\_\_\_

Project:

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town Board, Town of Florida	November 20, 2023
Name of Lead Agency	Date
Eric Mead	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**