
IN THE MATTER

Of

**LOCAL LAW 2021-___, A LOCAL LAW TO
AMEND CHAPTER 165 TO CREATE THE
SOLAR ENERGY SYSTEM OVERLAY
DISTRICT**

**RESOLUTION CALLING FOR
A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF POMPEY**, in the County of Onondaga, State of New York, met virtually in regular session online, on the ___th day of _____, 2021, at 6:30 p.m.

The meeting was called to order by Renee Rotondo, Supervisor, and the following were present, namely:

| | |
|-----------------|------------|
| Renee Rotondo | Supervisor |
| Ann Christmas | Councilor |
| Carl Dennis | Councilor |
| Judy McElhannon | Councilor |
| Sheila Larkin | Councilor |

The following resolution was moved, seconded and adopted:

WHEREAS, the Town Board has approved Local Law 2021-___ that authorizes Solar Energy Systems in the Town of Pompey upon the Town Board approving a zone change to the Solar Energy Systems Overlay Zoning district;

WHEREAS, the Town Board desires to create said Solar Energy System Overlay Zoning District pursuant to Section 165-16.2 of the Solar Energy Systems Local Law;

WHEREAS, the Attorney for the Town has drafted Local Law 2021-___ that creates a new Section of Chapter 165 of the Town Code, and the Town Board is considering this Local Law 2021-___ as set forth below:

**LOCAL LAW 2021-_____, A LOCAL LAW AMENDING
CHAPTER 165 OF THE TOWN OF POMPEY CODE,
ARTICLE III (DISTRICT REGULATIONS) BY CREATING
A NEW SECTION 165-9.2 ENTITLED “SOLAR ENERGY
SYSTEMS OVERLAY DISTRICT”:**

Be it enacted by the Town Board of the Town of Pompey, Onondaga County, New York as follows:

Section 1. That a new Section 165-9.2 be created as follows:

- § 165-9.2. Solar Energy Systems Overlay Zone district.
- A. Applicability. The Solar Energy Systems Overlay Zone district shall apply to a property in conjunction with and in addition to the uses and dimensional controls of the underlying zoning district. Zoning regulations applicable to Solar Energy Systems as defined in Section 165-16.2 of the Code, shall supersede the requirements of the underlying zoning if they are in conflict.
- B. Establishment of the Solar Energy Systems Overlay District. The Town Board, on its own initiative, on recommendation of the Town Planning Board or on request of a property owner, may establish or expand a Solar Energy Systems Overlay Zone on any property within the Town as set forth in Section 165-16.2 of the Code.
- C. Town Board review process.
- (1) In addition to the procedural requirements applicable to a zone change mandated by this Chapter and/or New York State Law, the Town Board shall provide at least 30 days for the Town Planning Board and Town Environmental Conservation Commission to review and comment on any new or expanded boundary modification.
- (2) All proposals shall include the following:
- (a) Survey showing property boundaries, proposed overlay zone boundary and underlying zone district classification.
- (b) Site plan of property showing topography of the site at twenty-foot contour.
- (c) Map of surrounding land uses and structures within 1,000 feet of the site.
- (d) Narrative discussion of how the site relates to scenic quality of the area and the impacts, if any, upon the landscape, proposed mitigating measures and the availability of alternative sites.
- (3) The Town Board may designate an applicant or agency to provide the necessary information and may require that additional information be provided in order to render a decision.
- D. Permitted uses and structures.

- (1) Tier 3 Solar Energy Systems, as defined in Section 165-16.2 of the Code, and support facilities regularly and customarily used to operate Solar Energy Systems, shall be permitted only within a Solar Energy Systems Overlay Zone upon the issuance of a site plan pursuant to Section 165-16.2 of the Code;
- (2) All other uses and structures shall be subject to the applicable controls and restrictions of the underlying zoning.

E. Locational guidelines for Solar Energy Systems Overlay Zone. In considering a zone change, the Town Board shall, to the extent practicable, and in its own discretion, seek to:

- (1) Prevent saturation of Solar Energy Systems in one area of the Town.
- (2) To avoid saturation, no Tier 3 Solar Energy System Overlay Zone shall be approved if it is within one mile of an already approved Tier 3 Solar Energy System unless the Town Board makes specific findings that it will not have a significant affect on the community character of an area;
- (3) Avoid sites that substantially contribute to and are important to the scenic quality of the landscape.
- (4) Assess the availability and feasible use of alternative sites.

Section 2. This law shall take effect upon filing with the New York State Department of State.

WHEREAS, the Town Board desires to hold a public hearing to hear those who support or oppose Local Law 2021-___;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pompey, County of Onondaga, State of New York, shall hold a Public Hearing on said proposed Local Law 2021-___, and that such Hearing shall be held at the Town Hall of the Town of Pompey, located at _____, on _____, 2021 at approximately 6:35 p.m. and be it further

RESOLVED, that the Town Clerk give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the

proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing.

I, NIKKI REID, Town Clerk of the Town of Pompey, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Pompey at a regular meeting of the Board duly called and held on the ___th day of April, 2021; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pompey, this ____ th day of April, 2021.

DATED: April ____, 2021
Pompey, New York

Nikki Reid
Town Clerk of the Town of Pompey
Onondaga County, New York