

**RESOLUTION OF THE NEW PALTZ TOWN BOARD ADOPTING LOCAL LAW  
NO. \_\_\_\_\_ OF 2019 CREATING A NEW CHAPTER OF THE TOWN CODE  
ENTITLED: "COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM" AND  
ISSUING A NEGATIVE DECLARATION PURSUANT TO SEQRA**

At a meeting of the Town Board of the Town of New Paltz, Ulster County, New York, held at the Town Courthouse, 23 Plattekill Ave., in New Paltz, New York, in said Town on the 16<sup>th</sup> day of May, 2019, at \_\_\_\_\_ o'clock P.M., prevailing time.

The meeting was called to order by Supervisor Bettez, and upon roll being called, the following roll was taken:

	<u>PRESENT</u>	<u>ABSENT</u>
Supervisor Neil Bettez	_____	_____
Council Member Daniel Torres	_____	_____
Council Member David Brownstein	_____	_____
Council Member Marty Irwin	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____

The following resolution was offered by Council Member \_\_\_\_\_ who moved its adoption, seconded by Council Member \_\_\_\_\_, to wit:

**WHEREAS**, the Town Board of the Town of New Paltz (the "Board") wishes to enact a new chapter of the Town Code entitled: "Community Choice Aggregation (Energy) Program" with the goals of: i) reducing energy costs; ii) promoting economic development; iii) promoting deeper penetration of energy efficiency and renewable energy resources, such as hydroelectric, wind and solar; iv) promoting wider deployment of distributed energy resources; and v) examining the retail energy markets and increase participation of and benefits for eligible consumers in those markets; and

**WHEREAS**, in accordance with the provisions of §617.6 of regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), (the "SEQRA regulations"), the Board hereby determines that the proposed amendment to the Town Zoning Code is an action subject to SEQRA and classifies same as Unlisted pursuant to SEQRA regulations; and

**WHEREAS**, the Board is directly undertaking the Action and is the only involved agency and therefore designates itself as Lead Agency with respect to consideration, review, and determination of significance of the aforementioned local law pursuant to SEQRA regulations §617.6(b)(1);

**WHEREAS**, the Board has caused the preparation of a Short Environmental Assessment Form (EAF) for review of the Action, including Parts 1, 2 and 3 of the EAF, and has determined that the EAF prepared was adequate with respect to scope and content in evaluating the criteria for determining significance set forth in section 617.7 (c)(1)(i)-(xii), (2)(i)-(iii), and (3)(i)-(vii) of the SEQRA regulations; and

**WHEREAS**, the Board finds that there will be no significant adverse environmental impacts associated with the adoption of the zoning code amendments set forth in the proposed local law; and

**WHEREAS**, a public hearing was held on \_\_\_\_\_, 2019 to assist in the Board's consideration of the adoption of said local law by receiving comments from all interested members of the public and the public hearing was closed that same night; and

**WHEREAS**, the Board has considered the matters that were discussed at the public hearing,

**NOW, THEREFORE**, based upon its review of the proposed local law, the Short Environmental Assessment Form, the comments of the Town of New Paltz Planning Board; the response of the Ulster County Planning Board, and other information received and considered by the Town Board, it is hereby **RESOLVED** that:

1. The Board of Trustees certifies that it has complied with the requirements of Part 617 of the SEQRA regulations;
2. The Board hereby finds that the proposed Local Law has no potential for significant adverse environmental impacts and issues a negative declaration for the same based on consideration of the following criteria:
  - a. Adoption of the Local Law will not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels. Furthermore, there will be no substantial increase in solid waste production, potential for erosion, flooding, leaching or drainage problems;
  - b. Adoption of the Local Law will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
  - c. Adoption of the Local Law will not result in the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of the SEQRA regulations;
  - d. Adoption of the Local Law will not result in the creation of a material conflict with the Town's current plans or goals as officially approved or adopted;
  - e. Adoption of the Local Law will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of the Town or neighborhood character;
  - f. Adoption of the Local Law will not result in a major change in the use of either the quantity or type of energy;
  - g. Adoption of the Local Law will not result in the creation of a hazard to human health;
  - h. Adoption of the Local Law will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
  - i. Adoption of the Local Law will not result in the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the adoption of the Local Law;
  - j. Adoption of the Local Law will not result in the creation of a material demand for other actions that would result in one of the above consequences;

- k. Adoption of the Local Law will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse environmental impact; and
  - l. Adoption of the Local Law will not result in two or more related actions undertaken, funded or approved by the Town Board, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in the SEQRA regulations.
3. **NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby adopts Local Law No. \_\_\_\_ of 2019, entitled: “A LOCAL LAW AMENDING THE NEW PALTZ TOWN CODE TO ESTABLISH A COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM”; and
  4. The Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of New Paltz; and Town Clerk is also directed to publish said Local Law to the public as required by law and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Neil Bettez	_____	_____	_____
Council Member Daniel Torres	_____	_____	_____
Council Member David Brownstein	_____	_____	_____
Council Member Marty Irwin	_____	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____	_____

The resolution was thereupon duly adopted.