

RESOLUTION No. 2022-

RELATIVE TO ADOPTION OF A LOCAL LAW ENTITLED “REGULATION OF SOLAR ENERGY SYSTEMS”, AND REVISIONS TO ZONING ORDINANCE, MAP AMENDMENTS AND SEQR DETERMINATION OF NON-SIGNIFICANCE

BY:

Council Chairman John Spanbauer
Council Member Traci Bax
Council Member Kenny Tompkins
Mayor Robert M. Restaino

WHEREAS, the City Council is considering the adoption of the proposed Local Law No. 3 for the Year 2021, entitled “Regulation of Solar Energy Systems”, revisions to the Zoning Ordinance, and Zoning Map Amendments, hereinafter jointly referred to as “Solar Regulations”, which are attached hereto; and

WHEREAS, the Solar Regulations are the product of Mayor Robert Restaino’s Administration’s efforts to advance and protect the public health, safety, and welfare of City of Niagara Falls by creating regulations for the installation and use of solar energy generating systems; and

WHEREAS, the City of Niagara Falls Planning Board held a public hearing on December 8, 2021 regarding the revisions to the Zoning Ordinance and map amendments; and

WHEREAS, the City Council held a public hearing on February 2, 2022 regarding the proposed Local Law; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (FEAF) part 1; and

WHEREAS, the City Council determines that the said action is classified as a Type 1 Action under part 617.4 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the City Council has determined that the proposed action is subject to a single agency review pursuant of Part 617.6(b) (1) of the SEQR Regulations; and

WHEREAS, the City Council determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the City Council has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the FEAF part 1; and

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WHEREAS, the City Council has completed part 2 and 3 of the FEA; and

WHEREAS, a copy of the Full Environmental Assessment Form has been presented to the City Council for consideration and this information is also on file with the City Clerk's office; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Niagara Falls, New York hereby designates itself as the lead agency for the described action; and

BE IT FURTHER RESOLVED, the City Council has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

BE IT FURTHER RESOLVED, the City Council determines upon the information and analysis documented that the proposed action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, the City Council does hereby make a Determination of Non-Significance on the proposed adoption of the City of Niagara Falls Solar Local Law, Revisions to the Zoning Ordinance, and Map Amendments; and

BE IT FURTHER RESOLVED, the City Council Chairperson is hereby directed to sign the FEA part 3 and file with the City Clerk and other necessary agencies as evidence the City Council has determined the proposed action **will not** result in any significant adverse environmental impact; and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York hereby adopts the attached revisions to the Zoning Ordinance, and Map Amendments; and

BE IT FURTHER RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves and adopts the Proposed Local Law No. 3 for the Year 2021, entitled "Regulation of Solar Energy Systems"; and

BE IT FINALLY RESOLVED that the Clerk of this Council is hereby directed to complete and certify the Local Law and forward copies to the New York State Legislature as required.