

TOWN OF LIVINGSTON
RESOLUTION 12 DECEMBER 2020

**IN SUPPORT OF UPHOLDING LOCAL TOWN ZONING DECISIONS ON MATTERS OF ENERGY AND
LAND USE**

WHEREAS, The Livingston Town Board identifies and fully supports the long tradition of “Home Rule,” whereby the state of New York has granted and respected the abilities of local town governments to determine the best land uses within their town borders, holding the key belief that the individuals best qualified to determine the appropriate uses of land in the community are the people who live there.

WHEREAS, recent decades have exhibited a worrying trend of state transmission and energy policies that significantly reduce meaningful local municipal zoning authority to identify the appropriate land uses and scale of energy development within town borders.

WHEREAS, actions by the state and county government to reach carbon neutrality within state borders too often prioritize energy goals and development timelines over the respect for and adherence to local zoning master plans that serve as the foundation of New York’s orderly zoning and planning processes.

WHEREAS, section 272-a of the New York State Town Law (“Town Comprehensive Plan”) expressly states that “(b) Among the *most important powers and duties granted by the legislature to a town* government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety, and general welfare of its citizen” and “(f) the town comprehensive plan is a means to promote the health, safety, and general welfare of the people of the town and to give due consideration to the needs of the people of the region of which the town is a part.”

WHEREAS, actions to develop energy sectors, specifically but not limited to solar, in New York state and efforts to preserve open space and agricultural lands need not be mutually exclusive goals provided that local zoning decisions are heard and respected.

WHEREAS, the towns of Columbia County as an inherent right have the ability to “opt-out” of PILOT programs when deemed in the town’s best interest.

NOW, THEREFORE BE IT

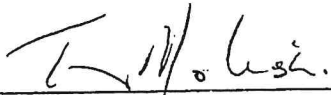
RESOLVED, that the Livingston Town Board asks that the Columbia County IDA should not grant PILOT designation for projects within town borders when the local government of those towns have chosen to opt out.

RESOLVED, that the Livingston Town Board urges that Columbia County IDA PILOT grants should not be afforded to solar and other energy projects that are proposed on lands identified as valuable and sensitive through a town's master plan.

RESOLVED, that the Livingston Town Board directs the Columbia County Board of Supervisors to recognize that purported economic benefits from encouraging the development of large-scale solar and other energy projects also potentially exact economic costs as well—by removing valuable agriculture and open space important to local production and tourism, and by providing tax shelters on commercial and residential properties that could be alternatively developed by the private sector with greater employment and tax benefits for local governments and their residents.

RESOLVED, that the Livingston Town Board urges Gov. Andrew Cuomo, the New York State Senate and the New York State Assembly to adopt legislation which would meet the challenges of climate change without violating Home Rule and local zoning powers and which would more fairly distribute the responsibilities of confronting climate change among all communities throughout the state instead of placing a disproportionate burden on small rural towns.

Dated December 12, 2020
Livingston, New York



Tammy Molinski, Town Clerk



James Guzzi, Town Supervisor

Town Board Members, as co-signators:

William Bender
Philip Massaro
Thomas Shumsky
William Yandik