

SEPTEMBER 9, 2026

RESOLUTION NO. 71 OF 2026
CLASSIFYING THE PROPOSED LOCAL LAW EXTENDING THE SOLAR ENERGY
AND BATTERY ENERGY STORAGE SYSTEM MORATORIUM AS A TYPE II
ACTION UNDER SEQRA

Offered by _____; seconded by _____:

WHEREAS, the Town Board of the Town of Berne is considering Proposed Local Law No. 3 of 2026, entitled "A Local Law Amending Local Law No. 1 of 2025 to Extend the Temporary Moratorium on the Development and Construction of Solar Energy Systems and Battery Energy Storage Systems for an Additional Six Months" (the "Proposed Local Law"); and

WHEREAS, the Proposed Local Law would continue the existing moratorium, without changing its scope, for the final six-month period authorized by Section 4 of Local Law No. 1 of 2025; and

WHEREAS, the State Environmental Quality Review Act and its implementing regulations classify the adoption of a moratorium on land development or construction as a Type II action under 6 NYCRR § 617.5(c)(36); and

WHEREAS, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines that consideration and adoption of the Proposed Local Law is a Type II action pursuant to 6 NYCRR § 617.5(c)(36); and

BE IT FURTHER RESOLVED, that no environmental assessment form, lead-agency coordination, determination of significance, or other further environmental review is required for this Type II action.

The question of the adoption of the foregoing resolution was duly put to a roll-call vote, which resulted as follows:

Supervisor Giebelhaus	Aye / Nay / Abstain / Absent
Councilmember Bunzey	Aye / Nay / Abstain / Absent
Councilmember Duncan	Aye / Nay / Abstain / Absent
Councilmember laCour	Aye / Nay / Abstain / Absent
Councilmember Miller	Aye / Nay / Abstain / Absent

The resolution was thereupon declared duly adopted.