

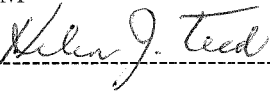
MINUTES-FEBRUARY 14, 2022
TOWN OF DIX PUBLIC HEARING
MORATORIUM ON LARGE SOLAR INSTALLATIONS (UNTIL AT LEAST JULY)

PRESENT: Supervisor Dominick Smith
Deputy Supervisor F. Joe Hammond
Councilman Jeffrey Meehan
Councilman David Hertel
Councilman Brian Ervay
Bookkeeper Billie Jo Carnes
Town Clerk Helen J. Teed
Code Officer Dennis Tremblay
Highway Superintendent Scott Yaw

Public Hearing was brought to order by Supervisor Dominick Smith at 6:30 PM.

Discussion followed.

Public Hearing closed at 6:47 PM

Respectfully Submitted----------Helen J. Teed
Town Clerk, Town of Dix

WHEREAS, the Town of Dix is situated in Schuyler County, New York; and

WHEREAS, the Town of Dix is relatively sparsely populated, with a limited budget and administrative infrastructure, which include a volunteer Town Board and volunteer Planning Board, with no paid professional staff; and

WHEREAS, the Town of Dix currently has zoning and land use regulations that provide for review and recommendation of projects requiring site plan approval by the Planning Board, with general and specific provisions applicable to solar energy projects; and

WHEREAS, a number of large-scale commercial solar projects have recently obtained approvals to develop and operate in the Town of Dix; and

WHEREAS, the Town of Dix Town Board has determined that the development of solar energy projects in the Town of Dix could have unforeseen and/or negative consequences for the health, safety and welfare of the citizens of the Town of Dix, and/or may be incompatible with the Town of Dix's comprehensive plan, and that the currently regulatory structure applicable in the Town of Dix may be inadequate for addressing these concerns;

WHEREAS, in consideration of this determination, the Town of Dix Town Board has undertaken to review potential amendments to the Town of Dix land use regulations for the purpose of addressing concerns that have arisen in the context of the development of solar energy projects; and

WHEREAS, it is anticipated that this review and the adoption of any amendments to the Town of Dix's zoning and land use regulations will not be completed until July 1, 2022; and

WHEREAS, the Town of Dix Town Board recognizes that certain forms of solar energy project development may be incompatible with the Town's comprehensive plan, and/or may benefit from a more refined set of controls developed as part of a program of amendments to the Town of Dix's land use regulations and, as such, the Town Board desires to place a moratorium on the acceptance of any applications for site plan approval for solar projects within the Town of Dix for a period reasonably necessary for the Town Board to complete its review of current regulations and adopt any changes recommended as a result of such review.

NOW, THEREFORE, be it enacted by the Town of Dix Town Board as follows:

1. Purpose.

The purpose of this law is to promote and preserve the health, welfare and property of residents and the owners of property located within the Town of Dix by putting a moratorium on the acceptance of applications for site plan approval for Commercial Solar Energy Systems (as herein defined) to afford the Town Board the opportunity to review the current zoning and land use regulations and consider and adopt any amendments thereto.

2. Definitions.

As used in this law the following terms shall have the meanings indicated:

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

COMMERCIAL SOLAR ENERGY SYSTEM: A Solar Energy System that produces energy primarily for the purpose of offsite sale or consumption.

EXPIRATION DATE: July 1, 2022.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of Solar Panels and/or Solar Energy Equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

3. Moratorium on Acceptance of Applications for Commercial Solar Energy Systems.

Commencing on the effective date of this law, and continuing through the Expiration Date, the Town of Dix Planning Board shall not accept any application for approval of any Commercial Solar Energy System. This moratorium shall not affect any application pending as of the effective date of this law.

4. Appeal Procedure.

Any person aggrieved by this local law may appeal to the Town of Dix Town Board for relief from its restrictions. Any such appeal shall be in writing and shall be made on such form as is promulgated by the Town of Dix Code Enforcement

Officer, and shall include such information related to the appeal as the Town of Dix Code Enforcement Officer shall require. A hearing on the appeal shall be held by the Town of Dix Town Board within thirty (30) days following the Board's receipt of completed appeal application.

5. Authority.

This local law is enacted pursuant to Section 10 of the Municipal Home Rule Law.

6. Savings provision.

If any section, paragraph, subdivision, clause, phrase or provision of the local law shall be judged to be invalid or held unconstitutional, it shall not affect the validity of this law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

7. Effective date.

This local law shall take effect immediately upon the filing of the local law with the Secretary of State.