

MORATORIUM ON INDUSTRIAL WIND, SOLAR, AND/OR BIOMASS ENERGY

1. PURPOSE AND INTENT

- a. This Local Law shall be known as "Local Law Imposing a Temporary Moratorium on certain types of industrial Wind, Solar, or Biomass energy uses."
- b. The purpose of this Local Law is to protect the public health, safety, and welfare of the residents of the Town of _____ and to maintain the status quo as to certain wind, solar, and biomass energy uses, as the present regulations in the Town do not adequately address this type of use. The Moratorium will stop the processing of applications for, and the issuances of, any permits, certificates of occupancy, or approvals for certain land uses relating to wind, solar, or biomass energy, included, but not limited to, wind and/or solar installations and biomass plants. The Moratorium is for a period of one (1) year, allowing the Town Board to analyze and determine potential appropriate regulations concerning this use.

2. LEGISLATIVE FINDINGS

- a. The Town of _____ Town Board does hereby find that without a temporary halt on the processing, permitting, and approval for certain wind, solar, or biomass land uses there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of, and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town. The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of wind, solar, or biomass energy facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned, orderly growth and development of the Town.

3. MORATORIUM IMPOSED; APPLICABILITY

- a. For a period of time of one (1) year following the effective date of the adoption of this Local Law, no application may be processed and no permits, certificates of occupancy, approvals, denials, determinations, or interpretations may be issued or granted for any land uses relating to wind, solar, or biomass energy, including, but not limited to, wind or solar installations or biomass plants.
- b. The term "land uses relating to wind, solar, or biomass energy" shall be broadly construed to include any facility designed to generate electric power to be marketed, sold, or used for other than the power demands of the improvements on the property

on which such facility is located. Not included with the scope of this Moratorium are wind and/or solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

- c. The term "wind and/or solar farm" shall mean "a collection of solar panels or wind turbines covering one-quarter (1/4) acre or more of land that are designed to capture sunlight and wind for the purpose of transforming it into electricity." This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on, or affixed to, residential dwellings for their use, or municipal buildings or existing panels mounted on commercial or industrial buildings.
- d. This Local Law shall be binding on the Town Board, Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of _____.
- e. During the period of the Moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis, and, if warranted, revisions to the Town of _____ Laws. During the period of the Moratorium, no applications will be accepted nor permits, certificates of occupancy, or approvals issued which would authorize development within the Town for land uses related to wind, solar, or biomass energy as described above.

4. TERM

- a. This Moratorium shall be in effect for a period of one (1) year from its effective date. This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution of the Town Board.

5. EFFECT ON OTHER LAWS

- a. To the extent that any law, ordinance, rule, or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedures and requirements, this Local Law shall control and supersede such law, ordinance, rule or regulation.

6. WAIVER

- a. Owing to the limited scope and duration of this Moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this Moratorium.

7. SEVERABILITY

- a. If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section, or part therefor directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

8. EFFECTIVE DATE

- a. This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule.