

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Plattekill

Local Law No. _____ of the year 20 16

A local law imposing a moratorium on the establishment of ground solar energy facilities within the
(Insert Title)
Town of Plattekill

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Plattekill as follows:

1. This local law shall be known as the "Ground Mounted Solar Energy Facilities Moratorium Law of the Town of Plattekill, New York."

2. Purpose

The Town Board finds that without adequate regulations governing the location and placement of ground mounted solar energy facilities, the installation of same may have a detrimental impact on nearby properties and on the community in general. Such facilities may have adverse visual impacts on the community and may have a detrimental effect on the value of properties and may impair important agricultural resources within the Town of Plattekill. Presently the Town of Plattekill does not specifically regulate the location of such facilities.

The purpose of this moratorium is to allow the Town of Plattekill to temporarily halt the siting and installation of grounded solar energy facilities for a period of 9 months to enable the Town to adopt appropriate regulations and appropriate local laws regarding the installation, siting, screening and use of ground mounted solar energy facilities in the Town of Plattekill. It is intended that regulations will be drafted to govern the location, size and siting of such facilities within the

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Town while enabling such facilities to be developed in the interest of promoting the use of renewable energy sources. The Town declares the enactment of this local law as necessary to protect the public interest and the public health, safety and welfare during the course of this moratorium.

3. Authorization

This local law is adopted pursuant to Municipal Home Rule Law Section 10(1)(i) and 10(1)(ii)(a)(14). It is the intention of the Town Board pursuant to Municipal Home Rule Law Section 10(1)(ii)(d)(3) to supersede the following provisions of the New York State Town Law: Town Law Section 367-a(5) and 274-a(8) 274-b(6) and 274-b(8).

4. Scope

For purpose of this local law the term "ground mounted solar energy facility" shall mean footings, structures, solar panels, wiring, electric service systems, hardware, equipment, semi-conductor devices and photovoltaic cells that generate electricity and all facilities or any combination thereof used for the purpose of collecting, absorbing, concentrating, transmitting or directing solar energy which are located, installed, constructed or developed on the ground of any parcel of land or on a pad or a base which is installed upon the ground. However ground mounted solar facilities shall not include the foregoing footings, structures, solar panels, wiring, electric service systems, hardware, equipment, semi-conductor devices and photovoltaic cells that generate electricity and all facilities or any combination thereof that are located, installed or constructed on the roof of an existing building.

5. Moratorium

a) During the effective period of this local law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department or the Code Enforcement Officer shall accept, process, interpret, or approve any application for the installation of a ground mounted solar energy facility except as set forth in Section 7 below.

b) This moratorium shall apply to all currently pending applications and all future applications during the course of this moratorium of ground mounted solar energy facilities.

6. Duration

The term of this moratorium shall be a period of 9 months from the date that this law is filed with the Secretary of State of the State of New York.

7. Hardship

a) Should any owner of real property believe that they have suffered an unnecessary and extreme hardship through the application of the terms of this local law, said owner may apply to the

Town Board of the Town of Plattekill in writing for a waiver from strict compliance with this local law. Such owner must submit such proof as they deem appropriate to demonstrate an unnecessary and extreme hardship. However a mere delay in being permitted to make an application or in waiting for a decision on an application or a special permit site plan subdivision variance relating to the use of their property for a ground mounted solar energy facility site shall not be deemed to be an unnecessary hardship.

b) Upon submission of a written application to the Town Clerk by the property owner seeking a waiver of the local law, the Town Board shall within 30 days of receipt of said application schedule a public hearing at a future date, which date shall be no later than 60 days after receipt of the written application. Notice of said public hearing shall be made upon five days prior written notice in the official newspaper of the Town and notice of said public hearing shall be made by regular mail to all adjoining landowners of the application as such addresses are shown upon the tax rolls.

c) At said public hearing the property owner and any other party wishing to present evidence or testimony with regard to the application shall have an opportunity to be heard. Within 15 days of the close of said public hearing the Town Board shall render its decision either granting or denying the application for a variation of the strict compliance of this local law.

8. Penalties for Offenses

Any person or entity that shall violate the terms of this local law shall be guilty of a violation and subjected to a fine of not less than \$250.00 per day and for imprisonment of 15 days. Each day that the violation continues shall be deemed a separate offense. In addition the Town may enforce this local law by seeking an injunction or any other legal remedy it deems appropriate.

9. Conflicts

All local laws of the Town of Plattekill that are in conflict with the provisions of this local law are hereby superseded by this local law during the nine month moratorium set forth above.

10. Severability

In the event that a court of competent jurisdiction determines that any portion of this law is invalid in whole or in part, the effect of said decision shall be limited to the provisions which are expressed stated to be invalid and all other provisions of this law shall continue to be in full force and effect.

11. Effective Date

This local law shall take effect upon its adoption and filing with the Secretary of State of the State of New York.