

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 Pittstown _____

Local Law No. 1 of the year 2016

A local law Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding
(Insert Title)
or Ground-Mounted Solar Energy Systems.

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

County City Town Village
(Select one.)

of Pittstown _____ as follows:

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

LOCAL LAW NO. 1 OF THE YEAR 2016

A Local Law entitled Local Law No. 1 of the Year 2016, Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems.

BE IT ENACTED by the Town Board of the Town of Pittstown as follows:

Section II: TITLE.

This Local Law shall be known and cited as Town of Pittstown Local Law No. 2 of 2016 entitled "A Temporary Town-Wide Moratorium the Installation of Freestanding or Ground-Mounted Solar Energy Systems."

Section III: PURPOSE AND INTENT.

- A. It is the intention of the Town Board of the Town of Pittstown in enacting this Local Law to temporarily suspend the installation of Freestanding or Ground-Mounted Solar Energy Systems; as defined in Section IV herein, by the imposition of a temporary moratorium on the issuance of permits and approvals for such installations for a period of six (6) months from the effective date of this Local Law. Provision is made in this Local Law to allow for extension of the six (6) month moratorium if necessary.
- B. The purpose of this temporary moratorium is to enable the Town of Pittstown to temporarily halt the installation of Freestanding or Ground-Mounted Solar Energy Systems, for a reasonable period of time to enable the Town to adopt appropriate regulations of ground mounted solar panels which are not currently regulated in the Town of Pittstown zoning and land use regulations.
- C. In recent years, the installation of solar energy systems on commercial and residential properties has become wide spread due to various tax incentives and leasing options, Solar panels are promoted by New York State and the Federal Government as sustainable energy sources that reduce dependence on fossil fuels.
- D. Solar panels have become, or will become, typical accessory uses for residential and commercial properties but they are not specifically regulated by the zoning and land use regulations in the Town of Pittstown.
- E. The Town of Pittstown recognizes that solar panels have many benefits for the property owner and the community in general but wise regulation regarding the placement of ground mounted panels are required.
- F. The installation of solar energy systems, particularly Freestanding or Ground-Mounted Solar Energy Systems, have impacts on neighboring properties. Solar panels are not always visually compatible with their setting and they require the clearing of trees and structures to insure that sunlight reaches the solar collectors.

- G. The temporary moratorium is being limited to Freestanding or Ground-Mounted Solar Energy Systems, because solar energy systems that are mounted on rooftops or existing buildings require less tree clearing and they can be more readily visually integrated into the existing structure.
- H. During the period of this temporary moratorium, the Town Board intends to suspend zoning and land use regulations in the Town of Pittstown which conflict with the effect and intent of this Local Law.

Section IV: LEGISLATIVE FINDINGS OF FACT.

- A. The Town Board hereby finds that, pending the completion of the necessary studies, meetings, hearings, environmental review and other actions necessary and incident to proper consideration and adoption of a Local Law regulating the installation of Freestanding or Ground-Mounted Solar Energy Systems, and any revisions and amendments of the zoning and land use regulations of the Town, reasonable measures must be taken to maintain the status quo in order to protect the public interest, to preserve and protect the aesthetic and visual resources of and the property values within the Town Pittstown and ensure that future Freestanding or Ground-Mounted Solar Energy System installations will be consistent with these findings.
- B. The Town Board finds that it is in the long term interest of the public and its welfare to prevent the premature and inappropriate installation of Freestanding or Ground-Mounted Solar Energy Systems that would cause impacts to aesthetic and visual resources and properties located within the Town of Pittstown.
- C. The Town Board finds that the temporary moratorium should be limited to Freestanding or Ground-Mounted Solar Energy Systems, because solar energy systems that are mounted on rooftops or existing buildings require less tree clearing and site preparation and can be visually integrated more readily into the existing structure.

Section V: DEFINITIONS.

A. FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM.

Structures, facilities, systems and/or equipment, or any combination thereof, including, but not limited to, solar panels and the hardware with or on which such panels are mounted, the purpose of which it to collect, absorb, concentrate or direct solar energy, which structures, facilities, systems and/or equipment, or any combination thereof, are located, installed, constructed or developed on the ground of a parcel, or on a pad or base substantially on grade with the ground. Freestanding or Ground-Mounted Solar Energy Systems shall not include structures, facilities, systems and/or equipment, or any combination thereof that re located, installed, constructed or developed on or above the roof of an existing improvement.

Section VI: SCOPE OF CONTROLS.

- A. During the effective period of this Local Law, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Code Enforcement Officer shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the installation of Freestanding or Ground-Mounted Solar Energy Systems except as set forth in Sections VI below.
- B. This moratorium shall apply to all currently pending and future application for the installation of Freestanding or Ground-Mounted Solar Energy Systems.

Section VII: HARDSHIP.

- A. Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Pittstown in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.
- B. Procedure.
 - 1. Upon submission of a written application to the Town Clerk by the property owner seeking a waiver from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. Notice of said public hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls
 - 2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.
 - 3. If the Town Board determines that a property owner will suffer an unnecessary hardship, if this Local Law is strictly applied to a particular property, then the Town Board shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section VIII: PENALTIES FOR OFFENSES.

Any person, firm, entity or corporation that shall construct, erect, enlarge or alter any building or structure, in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be guilty of a violation and subject to a fine of not less than \$200.00 nor more than \$1,000.00. Each day that the violation continues shall be a separate offense.

Section IX: CONFLICTING LAWS SUPERSEDED.

All local laws, ordinances, or parts of local laws and ordinances, of the Town of Pittstown that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium.

Section X: SUPERSESION OF THE TOWN LAW.

This Local Law is hereby adopted pursuant to Municipal Home Rules Law § 10(1)(i) and § 10(1)(ii)(a)(14) and Statute of Local Governments § 10(6) of the State of New York. It is the intent of the Town Board, pursuant to Municipal Home Rules Law § 10(1)(ii)(d)(3) to supersede the following provisions of the New York State Town Law, Chapter 16 relating to time limits in connection with zoning and planning determinations:

- A. Town Law § 267-a (5) (Time for ZBA to act on variance);
- B. Town Law § 274-a (8) (Public Hearing on Site Plan);
- C. Town Law § 274-a (10) (SEQRA requirements for Site Plan);
- D. Town Law § 274-d (6) (Public Hearing on Special Permit); and
- E. Town Law § 274-b (8) (SEQRA requirements for Special Permit).

Section XI: SEVERABILITY.

- A. If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure or tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

- C. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Pittstown that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section XII: TERM.

This Local Law shall remain in force for a period of six (6) months from its effective date. This Local Law is subject to review and renewal by the Town Board of the Town of Pittstown for two (2) additional three (3) month extensions by Town Board Resolution.

Section XIII. EFFECTIVE DATE.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.