

TOWN OF GERMAN FLATTS

Introductory Local Law No. 3 of 2022

A Local Law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems and/or Solar Farms within the Town of German Flatts.

Section 1: Purpose and Intent.

The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of German Flatts and to maintain the status quo as to certain solar energy uses, as the Town of German Flatts lacks zoning regulations to address this use. This moratorium will temporarily stop the processing of applications for and the issuance of permits, certificates of occupancy, and approvals for certain land uses related to solar energy, included but not limited to, solar farms. This moratorium will be effective on any application that has not completed State Environmental Quality Review Act ("SEQRA") review and received a determination of significance. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate zoning regulations concerning this use.

Section 2: Legislative Findings.

The Town of German Flatts Town Board hereby finds that without a temporary halt on the processing, permitting, and approval for certain solar land uses there is a 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 impacts on the Town. The Town Board also finds that time is required to perform the necessary analysis of the potential types of solar 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.

Section 3: Moratorium Imposed; Applicability.

For a period of six (6) months following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to, solar farms. This temporary moratorium will apply to any application that has not completed SEQRA review and received a determination of significance upon the effective date of this Local Law.

The term "land uses relating to solar 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 within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property. The term "solar farm" shall mean a collection of solar panels covering one-quarter (¼) acre or more of land that are designed to capture sunlight and transform 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.

This Local Law shall be binding on the Town Board, Building Inspector/Code Enforcement Officer, all Town boards, 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 German Flatts.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, enactment of a Town of German Flatts Zoning Code. 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 relating to solar energy as described above, unless the applicant has completed SEQRA review and received a determination of significance upon the effective date of this Local Law.

Section 4: Term.

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional six (6) months, if necessary, by resolutions of the Town Board.

Section 5: Effect on Other Laws.

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 procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

Section 6: Variance.

An application for a variance from the terms of this moratorium may be submitted, with an application fee of \$500. Notwithstanding the provisions of Article 16 of the NYS Town Law, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

Section 7: Severability.

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8: Effective Date.

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.