



Local Law No. 1 for 2022

A Local Law establishing a one-year moratorium on the application or permit for and/or the construction, development, or installation of Solar Energy Systems in the Town of Schuyler.

ENACTED BY THE TOWN BOARD OF SCHUYLER, NEW YORK AS FOLLOWS:

Section 1. Title

This law shall be known as the “Town of Schuyler Solar Energy Moratorium.”

Section 2. Purpose and Intent

The Town Board (“Board”) of the Town of Schuyler (“Town”) recognizes there has been increasing local interest in the installation of Solar Energy Systems for the purpose of producing energy for sale to third-parties. Both the State of New York and the federal government promote Solar Energy Systems as sustainable energy sources that reduce dependence on fossil fuels. It is the desire of the Board to develop zoning laws and rules that will facilitate the expansion and development of this technology within the Town. The Board also recognizes that the size of Solar Energy Systems and the preparation and use of property on which they might be located could cause undesirable impacts to neighboring properties and/or the Town. This law establishes a one-year moratorium on the construction and installation of Solar Energy Systems in order to provide the Board time to engage in the necessary studies, meetings, hearings, environmental review, and other appropriate and necessary actions regarding oversight of the construction and installation of Solar Energy Systems. The Board recognizes the need to evaluate the impacts of these systems and, if necessary, revise the Town’s Zoning Law to address any determined issues.

Section 3. Authority

This Moratorium is enacted pursuant to Article IX, Section 2 (c)(ii)(6),(10) of the New York State Constitution, Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents under the New York State Town Law.

Section 4. Definitions

“Solar Energy System” shall mean any collection of solar panels or solar energy equipment designed to capture and convert solar energy into electricity, as well as any and all related infrastructure, electrical lines, substations, access roads, and accessory structures, designed or constructed with the intent of producing electricity to be consumed primarily off-site. Nothing herein shall prevent solar panels or solar energy equipment from being developed, constructed, or installed on the roof of, within, or adjacent to any legally permitted building or structure for the purpose of producing energy primarily for on-site consumption.

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Section 5. Enactment and Scope of Control

The Board hereby declares a one-year moratorium on the application or permit for and/or the construction, development, or installation of any and all Solar Energy Systems.

For the period of one year immediately following the effective date of the Local Law, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department, and the Zoning Administrator shall not review, permit, or approve any application for the installation of any Solar Energy Systems. This Moratorium shall apply to all currently pending and future applications for the installation of Solar Energy Systems, except those for which a Special Use Permit has already been issued, and applications for extensions thereof.

Section 6. Enforcement and Penalties

The Code Enforcement Office of the Town, or such other individual as designated by the Town Board, shall enforce this Local Law. It shall be the duty of the enforcement individual to advise the Town Board of all matters pending to the enforcement of this Local Law and to keep all records necessary and appropriate to such enforcement.

Compliance with this Local Law may be compelled and violations restrained by order or by injunction of a court of competent jurisdiction in an action brought on behalf of the Town by the Board. In the event the Board is required to take legal action to enforce this Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, filing fees, and such other amounts to be determined and assessed by the court.

Section 7. Supersession

All local laws, ordinances, or parts of local laws and ordinances of the Town 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.

Landowners affected by this Local Law may make use of the existing variance procedures under the Town of Schuyler Zoning Ordinance.

Section 8. Severability of Provisions

Should any section or provision of this Local Law be declared null, void, voidable, or invalid, such finding shall not affect the validity of the remaining portions of this Local Law.

Section 9. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.
