

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 Duanesburg

FILED
STATE RECORDS
JAN 10 2020

DEPARTMENT OF STATE

Local Law No. 1 of the year 2020

A local law entitled " 2020 Temporary Moratorium Law on Major Solar Energy Systems. "
(Insert Title)

The proposed revised and reintroduced local law would establish a temporary moratorium
on the review of major solar facilities to give the Town Board sufficient time to evaluate the
existing law and to make changes to that law if warranted.

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

County City Town Village
(Select one.)

of Duanesburg

as follows:

see attached

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2020 of the (County)(City)(Town)(Village) of Duanesburg was duly passed by the January on 9 2020, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 ____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: January 9, 2020

(Seal)

Town of Duanesburg

Local Law No. 1 of the year 2020

A local law enacting a temporary moratorium on Major Solar Energy Systems Authorized under Local Law 1 of the year 2016

Be it enacted by the Town Board of the Town of Duanesburg as follows:

SECTION I.
SHORT TITLE

This local law shall be cited as Local Law # 1 of 2020 of the Town of Duanesburg and is entitled the “2020 Temporary Moratorium Law on Major Solar Energy Systems.”

SECTION II.
LEGISLATIVE FINDINGS

The Town Board seeks to carefully review the Town Zoning Code and Local Law #1 of 2016 which allows the establishment of Major Solar Energy Systems in the Town of Duanesburg. The Town has approved several of these Major Solar Energy Systems and believes that the Town of Duanesburg Zoning Code and Local Law #1 of 2016 should be evaluated in light of the Planning Board and Zoning Board experience in reviewing these projects and to protect and promote the public health, welfare and safety within the Town of Duanesburg. The Town is also in the process of evaluating and updating its existing comprehensive plan which may provide further guidance on the need for any changes or improvements to the Town Zoning Law as it applies to Major Solar Energy Systems. This moratorium is necessary in order to temporarily prohibit the establishment of additional Major Solar Energy Systems in the Town to preserve the status quo while affording the Town Board sufficient time to evaluate and to amend the Town Zoning Law and Local Law #1 of 2016 as they relate to Major Solar Energy Systems.

SECTION III.
AUTHORITY

This moratorium is enacted by the Town Board of the Town of Duanesburg pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

SECTION IV.
MORATORIUM

- (A) For a period of six (6) months from the effective date of this Local Law, no applications for Major Solar Energy Systems shall be accepted or considered by the Planning Board of the Town of Duanesburg.

- (B) This moratorium may be extended by one (1) additional period of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

SECTION V.
EXEMPTIONS TO MORATORIUM

The foregoing restriction shall not apply to the following: three Major Solar Energy Systems have been approved by the Town Planning Board: (A) Onyx on Alexander Road, which has been constructed and which is under operation; and (B) the two Oak Hill Solar Projects proposed by Eden Renewables which have been approved by the Town Planning Board and which have not commenced construction. This moratorium does not apply to these listed projects or to any further Town Board, Planning Board, Zoning Board of Appeals or administrative action on these projects.

SECTION VI.
VARIANCES.

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250.00) for the processing of such application. All such applications shall promptly be referred to the Town Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

SECTION VII.
SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VIII.
REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all of the Article 16 of the Town Law, Sections 261-285 inclusive and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to

specific any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

SECTION IX.
EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.

RESOLUTION ADOPTING LOCAL LAW No. 1 of 2020

RESOLUTION NO. -2020

January 9, 2020

WHEREAS, the Town of Duanesburg has adopted a local law, local law No. 1 of 2016 regulating solar facilities, including major solar facilities; and

WHEREAS, the Town Board has received recommendations for modifications to the regulation of major solar facilities in the Town from the Town Planning Board, the Zoning Board of Appeals and members of the public; and

WHEREAS, the Town Board introduced a proposed local law which would establish a temporary moratorium on the review of major solar facilities to give the Town Board sufficient time to evaluate the existing law and to make changes to that law if warranted (the "Proposed Local Law"); and

WHEREAS, a duly noticed public hearing was held on December 12, 2019 on the Proposed Local Law and the public hearing was continued until January 9, 2020 to afford the public additional time to comment on the Proposed Local Law; and

WHEREAS, a few revisions were made to the Proposed Local Law including removing the reference to the RER project in light of the Building Inspector's determination that the approval for that project had lapsed and clarifying the Town Board's intent with respect to the three remaining solar projects in the Town (the "Revised Proposed Local Law"); and

WHEREAS, adoption of the Revised Proposed Local Law enacting a temporary moratorium is a Type II action under SEQRA; and

WHEREAS, each member of the Town Board received the attached Revised Proposed Local Law, now identified as Local Law No. 1 of 2020 at the Town Board meeting on December 26, 2019 when the Revised Proposed Local Law no. 1 of 2020 was reintroduced; and

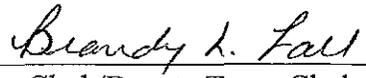
WHEREAS, the Town Clerk duly published and posted a notice of public hearing on the Revised Proposed Local Law and the public hearing was held at the regular meeting of the Town of Duanesburg Town Board at the Town Offices at 5853 Western Turnpike, Duanesburg, NY 12056 on January 9, 2020 at 7:00 p.m. at which hearing the Town Board considered all comments on the proposed Local Law; and

WHEREAS, the Local Law was duly referred to Schenectady County Planning; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts the attached Local Law no. 1 of 2020 establishing a temporary moratorium on major solar facilities in the Town and directs that the Local Law be filed with the NYS Secretary of State.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of January 9, 2020.


Roger Tidball, Supervisor


Town Clerk/Deputy Town Clerk

Present: *Supervisor Tidball, Council Member Ganther, Council Member Potter, Council Member Wenzel*
Absent: *and Council Member Senecal*

Town Board Members:

Roger Tidball	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
John Ganther	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Rick Potter	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
William Wenzel	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Jeff Senecal	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain