

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:)

FILED
STATE RECORDS

of CONESUS

DEC 31 2021

DEPARTMENT OF STATE

Local Law No. 3 of the year 20²¹

A local law To Implement A Temporary Moratorium Relative to Solar Facilities and Battery Storage

(Insert Title)
Except for Residential Rooftop Solar

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

County City Town Village
(Select one:)

of CONESUS

as follows:

SEE ATTACHED

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

LOCAL LAW NO.3-2021 TO IMPLEMENT A TEMPORARY MORATORIUM RELATIVE TO SOLAR FACILITIES AND BATTERY STORAGE, EXCEPT FOR RESIDENTIAL ROOFTOP SOLAR

BE IT ENACTED, by the Town Board of the Town of Conesus, Livingston County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of New York's Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No.3-2021 of the Town of Conesus to Implement a Temporary Moratorium Relative to Solar Facilities and Battery Storage, Except for Residential Rooftop Solar.

The purpose of this local law is to enact a moratorium in the Town of Conesus in order to temporarily halt for a period of twelve months the development of new solar facilities and battery storage except for residential rooftop solar, while the Town of Conesus examines and studies the impacts of the development of solar facilities and battery storage and develops and adopts local legislation to regulate such solar facilities.

Section III. Legislative Findings

The Conesus Town Board finds and hereby determines that the State of New York is currently experiencing and has over the recent has experienced significant new development of solar facilities and continues to receive more interest for additional development of solar facilities. In addition, battery storage, particularly for energy generated via solar facilities, has also received significant interest. The Town has noted popularity of new solar facilities in New York as well as the interest in battery storage and would like to examine the potential impacts thereof in the Town of Conesus as well as develop and adopt local legislation to regulate solar facilities and battery storage.

While the Town considers the aforementioned impacts and develops local legislation to regulate the same, the Town Board finds that any development of solar facilities and battery storage should be prohibited for a temporary period of time until completion of said studies in order to protect the health, safety and welfare of the Town of Conesus, including to better promote community planning and development values in the context of the rapidly changing technology and industry of large scale solar facilities and battery storage.

During the pendency of the moratorium, the Town Board will consider how best to permit such solar facilities and battery storage installations so as to harmoniously integrate such installations with the existing community.

Section IV. Moratorium Provisions

A. Definitions:

SOLAR ENERGY SYSTEM

Equipment and associated structures and materials that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM

A solar energy system servicing a one- or two-family dwelling, designed primarily to provide energy to the subject dwelling(s), where the solar panels are wholly contained on the rooftop of the dwelling (not including solar shingles).

BUILDING-INTEGRATED SOLAR COMPONENTS

Components of a building which harness solar energy for usable forms of electric or thermal energy. These components are directly integrated into the building itself. By way of example, these may comprise specially treated windows and glass, shingles, etc. This does not include roof-mounted solar panels. Building-integrated solar components are not considered solar energy systems for purposes of these regulations and are thus not subject to these regulations.

LARGE BATTERY ENERGY STORAGE SYSTEM

A rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building or to provide electrical grid-related services, having an energy capacity greater than 20 kilowatt hours.

B. Moratorium

The development, including the new construction, addition, or expansion of Solar Energy Systems, except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components, and/or Large Battery Energy Storage Systems shall be prohibited within the Town of Conesus until twelve months pass from the date of the adoption of this Local Law. Notwithstanding the foregoing, the length of this Moratorium may be modified by the subsequent repeal or amendment of this law.

During the Moratorium implemented herein, 1) there shall be no granting or amendment of site plan approvals, subdivisions, special use permits or rezoning that would have the effect of the establishment or construction of any Solar Energy Systems (except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components) or Large Battery Energy Storage Systems, 2) the Town of Conesus may refuse to review or accept applications involving the development of Solar Energy Systems (except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components) and Large Battery Energy Storage Systems, and 3) the Town of Conesus reserves the right to rescind any approvals issued in violation of this Local Law.

This Moratorium shall be applicable to any and all development of Solar Energy Systems (except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components) and Large Battery Energy Storage Systems occurring after the adoption of this local law. Any development of Solar Energy Systems or Large Battery Energy Storage Systems which has been approved or for which an active application has been submitted to the Town of Conesus prior to such date shall not be subject to this Moratorium.

C. Application for Relief

Any party considering itself aggrieved by this local law may apply to the Zoning Board of Appeals for a use variance from the limitations in this local law, all pursuant to those regulations governing use variances.

D. Penalties

It shall be a violation of this local law to develop Solar Facilities (except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components) or Large Battery Energy Storage Systems in the Town of Conesus during the Moratorium as established herein.

Any person, firm or corporation that violates this Local Law shall be subject to penalties and enforcement provisions as set forth in Section 155-20 of Chapter 155, entitled "Zoning," of the Conesus Town Code.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other Ordinances or Local Laws of the Town of Conesus which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Conesus, shall take effect immediately.

(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. 3 of 2021 of the ~~(County)(City)(Town)(Village)~~ of CONESUS was duly passed by the TOWN BOARD on December 21 2021, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(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) *(Name of Legislative Body)* (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. *(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 1 above.

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

Date: 12/27/2021

(Seal)