

**LOCAL LAW NO. 1 OF 2021
SETTING THE TIME FRAME
IMPOSING TEMPORARY MORATORIUM**

Dated: April 26, 2021 Page 1 of 5 A Local Law imposing a temporary moratorium on the issuance of zoning permits or building permits for any large-scale solar energy project in the Town of Leyden.

SECTION 1: TITLE This Local Law shall be known as Town of Leyden Local Law No. 1 of the year 2021 imposing a Temporary Moratorium on the issuance of zoning and/or building permits for any large-scale solar facility in any Zoning District of the Town.

SECTION 2: PURPOSE AND INTENT The Town Board recognizes that the national trend toward renewable energy has revolutionized the power industry, making larger-scale solar energy systems attractive to developers of such projects. This technology presents many benefits, yet also presents issues in some parts of the Town where large-scale solar energy systems can be distracting to drivers, bothersome to persons living in a relatively congested area, and, generally, can create a public nuisance due to their glare, etc. Such large-scale facilities are not always visually compatible and detract from the historical nature of their surroundings. Also, such projects can, in their construction, lead to cause significant damage to roads and adjacent drainage ditches of the Town. Often, modification of local roads is necessary to facilitation delivery of these projects, and heavy truck traffic can cause significant damage. Accordingly, the Town Board of the Town of Leyden deems it is in the public interest to stop and temporarily suspend the processing of applications for, and the issuance of any permits and/or approvals for, certain types of solar systems in the Town, until such time as the Town's Zoning Regulations pertaining to such systems can be amended by changes to the Town's Zoning Ordinance. The Town Board has determined to impose a moratorium on the processing of applications for, and the issuance of any permits and/or approvals for what is generally to be described as "large-scale solar energy systems," to be defined as "a solar energy system that is ground-mounted and produces energy for the purpose of off-site sale or consumption" for a period of two (2) months from the effective date of this Local Law to provide adequate time for the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Leyden's Zoning Law concerning their location and construction standards. Provision is made in this Local Law to allow for the extension of the two (2) month moratorium if necessary. A Local Law imposing a temporary moratorium on the issuance of zoning permits or building permits for any large-scale solar energy project in the Town of Leyden.

SECTION 3: LEGISLATIVE FINDINGS The Town Board of the Town of Leyden hereby finds that, without a temporary halt on the processing, permitting, and approvals for certain large-scale solar energy systems in the Town, there is potential that such uses could be located in areas which can cause disruptions in motor vehicle traffic, be distracting to vehicle operators and/or bothersome to persons living in a relatively congested area, and are otherwise not visually compatible with certain areas of the Town. The potential for unsuitable locations or construction which might materially affect, and/or have adverse impacts on the Town and its residents. The Town Board also finds that it is in need of time to perform the necessary analysis of the potential regulation of the location of such large-scale solar energy systems, and, in the event, there are events of road damage created by the construction, the consideration of amendments to the Town's Zoning Law will allow the imposition of fees, and/or the posting of bonds, to ensure that the Town's roads are adequately repaired after construction. By maintaining the status quo by temporarily prohibiting the issuance of permits, and the processing of applications for approvals for its projects, the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 4: MORATORIUM IMPOSED; APPLICABILITY For a period of time of two (2) months following the effective date of the adoption of this Local Law, the Town Board, the Town's Planning Board, the Town's Zoning Board of Appeals, and the Town's Zoning Officer shall not permit, accept, process, interpret, deliberate upon, decide, deny, or make any determination for any applications for siting and/or construction of a large-scale solar energy system. This moratorium shall apply to all currently pending and future applications. This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Zoning Officer, and all Town officials and employees, and any applicant

or real property owner in the Town desiring to apply for or receive a permit or approval for such large-scale solar energy system in the in the Town. During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town Zoning Ordinance. During the period of the moratorium, no applications will be accepted, nor permits or approvals issued, which would authorize such large-scale solar energy system projects within the Town. A Local Law imposing a temporary moratorium on the issuance of zoning permits or building permits for any large-scale solar energy project in the Town of Leyden.

SECTION 5: TERM This moratorium shall be in effect for a period of two (2) months from its effective date. This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

SECTION 6: EFFECT ON OTHER LAWS To the extent that any law, ordinance, rule or regulation, or parts of any laws, ordinance, rules or regulations of the Town of Leyden are in conflict with any provision of this Local Law, or any provision of the New York General Municipal Law or New York Town Law concerning special use permits, site plans, building permits and procedure and requirements, this Local Law shall control and supersede such laws, ordinances, rules or regulations.

SECTION 7: HARDSHIP Should any owner of property affected by this Local Law suffer any extraordinary hardship in carrying out the strict letter of this Local Law, then the owner of the said property may apply to the Town Board of the Town of Leyden in writing for a variance from strict compliance with this Local Law upon submission of evidence of such extraordinary hardship. For the purposes of this Local Law, extraordinary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a sign permit, or other permit during the period imposed by the moratorium imposed by this Local Law. A request for a variance based upon extraordinary hardship shall be filed with the Town Clerk, including a fee of \$350.00 to cover processing and advertising costs by the landowner, or the applicant with consent of the landowner.

The request shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship and shall contain such other information as the Town Supervisor or his or her designee shall prescribe as necessary for the Town Board to be fully informed with respect to the application. Upon submission of the aforementioned written application to the Town Clerk, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing to consider whether an extraordinary hardship is present. A public hearing on any request for an exception for extraordinary hardship shall be held by the Town Board at the first regular meeting of the Town Board that occurs after the expiration of the publication of notice of the request for a waiver. The notice shall be advertised in the Town's designated newspaper at least ten (10) days prior to the date of the public A Local Law imposing a temporary moratorium on the issuance of zoning permits or building permits for any large-scale solar energy project in the Town of Leyden hearing. Notice shall also be given, by regular mail, to abutting property owners at the addresses on the tax rolls. 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. If the Town Board determines that a property owner will suffer extraordinary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary strict compliance with this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with the Local Law.

SECTION 8: PENALTIES Any person, firm or corporation that shall establish, place alter, enlarge or erect or modify any sign or billboard on any structure or freestanding, in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to: Injunctive relief in favor of the Town of Leyden to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

SECTION 9: SEVERABILITY If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which

such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 10: REVIEWS It has been determined this is a Type II Action under the State Environmental Quality Review and therefore not subject to review. This Local Law has been referred to the County Planning Board in accordance with the General Municipal Law §239-m [7] and the Town Board has received and reviewed the findings and recommendation of the Lewis County Planning Department. A Local Law imposing a temporary moratorium on the issuance of zoning permits or building permits for any large-scale solar energy project in the Town of Leyden.

SECTION 11: EFFECTIVE DATE This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

Rosalie White - Aye

Steve Fox - Aye

Fred Fox – Aye

Lois Compo – Aye

Andrew Millick – Aye