

LEGAL NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Yates, at 8 South Main Street, Lyndonville, NY 14098, on Monday, June 8, 2020, at 5:45 P.M., on the adoption of a Local Law known as “Town of Yates Moratorium on Solar Energy Facilities and Energy Storage Facilities Law of 2020”, which said Local Law provides as follows:

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 101: Enactment and Authorization

The Town Board of the Town of Yates does hereby ordain and enact the Town of Yates Moratorium on Solar Energy Facilities and Energy Storage Facilities Law pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York.

Section 102: Title

This Local Law shall be known as the “Town of Yates Moratorium on Solar Energy Facilities and Energy Storage Facilities Law of 2020.”

Section 103: Purpose

a) The purpose of this Local Law is to advance the Town’s constitutional and statutory obligation to protect and preserve the public health, welfare, and safety of the citizens of the Town of Yates, as well as the value, use and enjoyment of property in the Town, through the temporary prohibition of the construction or modification of Solar Energy Facilities as defined in section 592 of the Zoning Regulations of the Town of Yates and any and all energy storage facilities, pending review and revisions of the Town’s Zoning Regulations.

b) It is the further purpose of this Local Law to prevent and avoid serious detrimental health and environmental impacts which threaten the Town of Yates by allowing degradation of its significant environmental and agricultural resources, and preserve the conscious and continuous determination by the Town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town.

c) It is the further purpose of this Local Law to enable the Town of Yates to prevent the construction or erection of Solar Energy Facilities as defined in Section 592 of the Zoning Regulations of the Town of Yates and any and all energy storage facilities for a reasonable period of time pending the Town Board’s amendment of the Zoning Regulations regulating the construction of such facilities in the Town of Yates.

d) It is the further purpose of this Local Law to enable the Town of Yates to prevent the construction or erection of Solar Energy Facilities as defined in Section 592 of the Zoning Regulations of the Town of Yates and any and all energy storage facilities for a reasonable period of time while the State of New York and its agencies promulgate regulations and establish a set of unified standards and conditions for designing, engineering and operating major renewable energy facilities as required by the newly enacted Accelerated Renewable Energy Growth and Community Benefit Act.

e.) It is the further purpose of this Local Law to enable the Town of Yates to prevent the construction or erection of Solar Energy Facilities as defined in Section 592 of the Zoning Regulations of the Town of Yates and any and all energy storage facilities for a reasonable period of time pending review and possible revisions of the Town’s Zoning Regulations in response to the State of New York passing new legislation allowing the State of New York and its agencies to not apply, in whole or in part, any local law or ordinance which would otherwise be applicable to solar energy facilities and energy storage facilities if the State makes a finding

that a local law is unreasonably burdensome in view of the Climate Leadership and Community Protection Act targets and the purported environmental benefits of the proposed major renewable energy facility.

ARTICLE II: IMPOSITION OF MORATORIUM

Section 201: Imposition of Moratorium

After the date of filing this Local Law with the Department of State, no application for the construction, erection, or modification of Solar Energy Facilities, , as defined in Section 592 of the Town of Yates Zoning Regulations and any and all energy storage facilities may be filed or processed. No Board or Town official may consider, grant, or approve any application for any permit or approval, including special use permit, variance, rezoning, or building permit be accepted or processed. For the purpose of this Local Law, an “application” shall be deemed to mean any request for official action by the Town Board, Planning Board, Zoning Board, Code Enforcement Officer, or Building Inspector which would in any way commence or continue the process whereby Solar Energy Facilities or energy storage facilities are or may be constructed, modified, or erected. This moratorium shall be effective for one hundred eighty (180) days after the date of filing this Local Law with the Department of State, or until the Yates Town Board acts on all of the aforementioned amendments to any Zoning Regulations, whichever is the shorter period of time.

Section 202: Variance

An application for a variance from the terms of this moratorium may be submitted, with a \$100 fee, to the Town Clerk, notwithstanding the provisions of Article 16 of the Town Law and the Zoning Regulations of the Town of Yates. Such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

ARTICLE III: VALIDITY

Section 301: Validity

If any section, sentence, clause or phrase of this Local Law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Local Law.

Section 302: Supersession

The requirements of Article 16 of the New York Town Law and Town Law section 267-a, b, and c, are hereby superseded in that the Town Board shall be the body to consider variance requests under this moratorium.

ARTICLE IV: EFFECTIVE DATE

Section 401: Effective Date

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

Town Clerk
Town of Yates