

LOCAL LAW NO. 1 OF
2022

BY: Councilman Bardascini

A LOCAL LAW ESTABLISHING A TWELVE MONTH MORATORIUM ON
APPLICATIONS, APPROVALS AND/OR CONSTRUCTION OR INSTALLATION OF
SOLAR ENERGY FACILITIES AND/OR SOLAR FARMS

A Local Law establishing a twelve month moratorium on applications, approvals and/or construction or installation of Solar Energy Facilities and/or Solar Farms in the Town of Broadalbin, New York.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BROADALBIN,
NEW YORK AS FOLLOWS:

Section 1. Title

This Law shall be known as the “Town of Broadalbin Solar Energy Facility and Solar Farm Moratorium Law”.

Section 2. Purpose and Intent

The Town of Broadalbin presently has an established Zoning Ordinance for the Town of Broadalbin, New York. The Town Board believes that the Town of Broadalbin is likely to be considered for Solar Energy Facilities and/or Solar Farms.

The Town Board of the Town of Broadalbin is concerned that the current Town of Broadalbin Zoning Ordinance does not set forth any procedures for establishing Solar Energy Facilities or Solar Farms.

The Town Board of the Town of Broadalbin is of the opinion that if Solar Energy Facilities and/or Solar Farms are allowed to proceed without Zoning procedures in place the Town will have no way to assure the orderly development of such projects within the Town pursuant to the Town of Broadalbin Comprehensive Plan and the

Town Board is desirous to investigate the impact of this new kind of use that may be inconsistent with the Comprehensive Plan.

The Town Board of the Town of Broadalbin realizes that the Town of Broadalbin is a rural and open community, and that Solar Energy Facilities and/or Solar Farms may be appropriate as an alternate energy production source.

The Town Board of the Town of Broadalbin finds that a moratorium should be enacted to enable the Town of Broadalbin to investigate the appropriate regulation of Solar Energy Facilities and/or Solar Farms in terms of prospective development and/or amendment of the Comprehensive Plan and/or Zoning regulations of the Town of Broadalbin

Section 3. Moratorium

A.) A Moratorium on the construction or installation or for issuing building permits, site plan approval and/or any zoning permits or variances for the installation, construction, modification, alteration, approval or extension of Solar Energy Facilities and/or Solar Farms is hereby imposed for a period of twelve months from the effective date of August 10, 2022. During the period of this moratorium the Town of Broadalbin, including but not limited to, the Code Enforcement Officer, Planning Board or Zoning Board of Appeals shall not accept any application for construction or installation of Solar Energy Facilities and/or Solar Farms in the Town of Broadalbin.

B.) For the purposes of this Local Law, the terms Solar Energy Facilities and/or Solar Farms are defined as follows:

SOLAR ENERGY FACILITIES – any facility designed to generate electric power to be marketed, sold or used for other than the power demands of any improvements on the property in which such facility is located. Excluded from this definition and from the scope of this moratorium are Solar Energy Facilities which are residential or accessory to residential uses as roof mounted on ground pole-mounted solar energy systems occupying $\frac{1}{4}$ acre or less of area for the site of installation.

SOLAR FARM – a collection of solar panels covering $\frac{1}{4}$ acre or more of land which are designed to capture sunlight and convert it into electricity. This shall include all freestanding and ground pole-mounted photovoltaic and parabolic solar installations.

C.) This action is exempt under SEQRA pursuant to 6 NYCRR Section 617.5

(30) as a type II action involving the adoption on a moratorium on land development or construction, and the moratorium is enacted by the Town of Broadalbin 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 4. Violation

A violation of this law shall constitute an offense under the penal law. Any person convicted of violating this law shall be subject to a fine not exceeding \$1000.00 or ninety (90) days in jail or both.

Section 5. Enforcement

This Local Law shall be enforced by the Code Enforcement Officer for the Town of Broadalbin or such individuals as designated by the Town Board of the Town of Broadalbin, New York.

Section 6. Supersession

All Local Laws, ordinances, or parts of local laws and ordinances of the Town of Broadalbin 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 this moratorium.

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Section 7.

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

Second: Councilman VanGenderen

Town of Broadalbin Town Board

_____ Aye Nay _____

Supervisor VanGenderen

Councilman Bogardus

Councilman Kissing

Councilwoman Pasquarelli

Councilman Bardascini

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BRUCE VANGENDEREN, SUPERVISOR

DATED: AUGUST 9, 2022