

MINUTES – TOWN OF ALLEGANY
PUBLIC HEARING - JOINT BOARD & PB MEETING
TUESDAY, MARCH 29, 2022 6:15 PM TOWN HALL

PRESENT: Town Board

Councilwoman Martin
Councilman Maguire
Councilman Cooper

Town Clerk D. Pinney
Councilman Nazemetz

PRESENT: Planning Board

Chairman Peter Hellier
Jim Finch
Dawn Snyder

Secretary – Kari Faulkner
Jason Crisafulli

ABSENT:

Supervisor Higgins

ALSO PRESENT:

Grif Jones – Clean Choice Energy (CCE)

Public Hearing - Town of Allegany Solar Moratorium

1. Councilwoman Martin opened the Public Hearing
2. Councilwoman Martin shared why the Moratorium is needed as follows:

The purpose of the proposed Solar Energy Moratorium, is to revise the Town of Allegany Solar Energy Local Law.

As one of the first municipalities within our region to adopt and enforce such a law, we have gained knowledge we had not previously possessed, and encountered several scenarios which could be better defined within our Local Law.

This moratorium will allow the Town time to reassess the current Solar Law and make adjustments that address situations that have arisen since the first solar law, such as the requirement for glare studies, as well as making adaptations to Appendix 3 “Decommissioning Plan” and Appendix 4 “Security Bonds”, in order to better clarify what the Town requires.

3. Supervisor Martin stated that another Solar Moratorium is needed because the revisions on the Town’s Solar Law will not be completed before the end of the previous moratorium.
4. Grif Jones from CCE asked when a draft of the Town’s new Solar Law will be available. Councilwoman Martin & Planning Board Chairman Hellier responded after it is edited and a Public Hearing is set for its review.

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#71-MOTION TO CLOSE THE PUBLIC HEARING

Motion by Councilman Nazemetz to close the public hearing at 6:20 pm. 2nd by Councilman Maguire. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

Special Joint Meeting 6:30 PM - Town Board & Planning Board

Salute to the Flag opened the meeting

NEW BUSINESS

1. Adopt Solar Moratorium (Local Law #1 of 2022)

Motion # 72 of 2022

Motion by: Councilwoman Martin 2nd by: Councilman Maguire

**LOCAL LAW NUMBER 1 - 2022
TOWN OF ALLEGANY, COUNTY OF CATTARAUGUS, NEW YORK**

A local law establishing a six (6) month moratorium on applications, approvals and/or construction or installation of Commercial Solar Energy Facilities and/or Solar Farms in the Town of Allegany, New York.

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

Section 1. Title

This Law shall be known as the “2022 Town of Allegany Commercial Solar Energy Facility and Commercial Solar Farm Moratorium Law.

Section 2. Purpose and Intent

The Town of Allegany presently has an established Zoning Ordinance for the Town of Allegany, New York and a Solar Energy Local Law.

The Town Board of the Town of Allegany is concerned that the current Solar Energy Local Law does not adequately address set back and lot coverage requirements, glare concerns, security bonds or decommissioning plans, among other things.

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The Town Board of the Town of Allegany is of the opinion that the current Solar Energy Local Law should be reviewed in its entirety to better address the concerns outlined above and to clarify the application process.

The Town Board of the Town of Allegany finds that a moratorium is in the public interest and should be enacted to enable the Town of Allegany to review and reassess the application process for Commercial Solar Energy Facilities and/or Commercial Solar Farms in the Town of Allegany, New York.

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 Commercial Solar Energy Facilities and/or Commercial Solar Farms is hereby imposed for a period of six (6) months from the effective date of this Local Law. During the period of this moratorium the Town of Allegany, including but not limited to, the Code Enforcement Officer, Planning Board or Zoning Board of Appeals shall not accept any application for new construction or installation of Commercial Solar Energy Facilities and/or Commercial Solar Farms in the Town of Allegany.

B. For the purposes of this Local Law, the terms Commercial Solar Energy Facilities and/or Commercial Solar Farms are defined as follows:
COMMERCIAL 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 the definition and from the scope of this moratorium are Solar Energy Facilities which are residential or accessory uses as roof mounted on ground pole-mounted solar energy systems occupying ¼ acre or less of area for the site of installation.

COMMERCIAL SOLAR FARM – a collection of solar panels covering ¼ 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 11 action involving the adoption on a moratorium on land development or construction, and the moratorium is enacted by the Town of Allegany pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

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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 Allegany or such individuals as designated by the Town Board of the Town of Allegany, New York.

Section 6. Supersession

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

Section 7.

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

Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye.

CARRIED:

OLD BUSINESS

1. There was a brief discussion of the Town's Solar Law

OTHER BUSINESS - none

FROM THE FLOOR - none

#73- MOTION TO ADJOURN THE MEETING.

Motion by Councilman Maguire to adjourn the entire meeting at 6:35 pm. 2nd by Councilman Cooper. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

Respectfully submitted,

Deryle L. Pinney, Town Clerk
3/29/2022