

LOCAL LAW NUMBER 2 - 2022
TOWN OF ALLEGANY, COUNTY OF CATTARAUGUS, NEW YORK

A local law establishing a (1) year moratorium on applications, approvals and/or construction or installation of Commercial Solar Energy Facilities, and Battery Storage, 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, Commercial Solar Farm and Battery Storage 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, battery storage, etc.

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 and Battery Storage is hereby imposed for a period of one (1) year 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.

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.