

TOWN OF WESTERLO LOCAL LAW NO. 3 of 2020

A LOCAL LAW EXTENDING A TEMPORARY LAND USE MORATORIUM PROHIBITING COMMERCIAL SOLAR ENERGY SYSTEMS, ENERGY STORAGE SYSTEMS, AND WIND GENERATION SYSTEMS WITHIN THE TOWN OF WESTERLO

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WESTERLO AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT.

Previously the Town Board of the Town of Westerlo (“Town Board”) adopted Local Law 2019-02, a temporary Moratorium effective August 28, 2019 to preserve its intended objectives and ensure future possible implementation of new zoning regulations regarding the creation or siting of Commercial Solar Energy Systems installations, Commercial Energy Storage Systems, and Commercial Wind Generation Systems pending the further development and adoption of a comprehensive plan, local laws and/or ordinances prepared to regulate and govern such installations.

Since the adoption of Moratorium, the Town’s Comprehensive Plan Committee has worked diligently to prepare a draft comprehensive plan and make proposed recommendations for zoning law amendments. However, due to unforeseen delays resulting from the unprecedented global health pandemic, the committee’s work has been stalled. Therefore, in order to continue the purpose of the Moratorium to the completion of the process, it is necessary to extend the Moratorium for an additional twelve months.

SECTION 2. EXTENSION OF TEMPORARY MORATORIUM.

Local Law 2019-02 is hereby extended and restated as if fully set forth herein for an additional twelve (12) month period from the effective date of this local law.

SECTION 5. STATUTORY AUTHORITY; SUPERSESSION.

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Westerlo, and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York.

This local law shall supersede and suspend those provisions of the Town Code and New York state law which require the Planning Board and the Town Code

Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

SECTION 6. SEQRA DETERMINATION

The Town Board hereby determines that the adoption of this local law is a Type II action under 6 NYCRR 617.5(c)(36) and that environmental review under the NYS Environmental Quality Review Act (SEQRA) is not required.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

SECTION 8. SEVERABILITY.

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

SECTION 9. EFFECTIVE DATE.

The effective date of this local law shall be immediate upon its filing with the Secretary of State.

Supervisor William Bichteman Jr.	Aye – Nay – Abstain
Councilwoman Amie L. Burnside	Aye – Nay – Abstain
Councilman Richard Filkins	Aye – Nay – Abstain
Councilman Joseph J. Boone	Aye – Nay – Abstain
Councilman Matthew Kryzak	Aye – Nay – Abstain

Adopted this ___ day of _____ 2020.

By Order of the Westerlo Town Board

Karla Weaver, Town Clerk

I, Karla Weaver, Town Clerk of the Town of Westerlo, Albany County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Westerlo on August __, 2020 and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Westerlo this _____ day of _____, 2020.

Karla Weaver, Town Clerk

TOWN SEAL