

LEGAL NOTICE
ADOPTION OF LOCAL LAW No.1 For 2020
TOWN OF CALEDONIA

PLEASE TAKE NOTICE that that on December 12, 2019, there was presented to the Town Board of the Town of Caledonia New York, proposed Local Law No. 2 for 2019. Since a Public Hearing for this proposed Local Law was not be held until February, this became Proposed Local Law No. 1 For The Year 2020. A Local Law to Impose a 12-Month Moratorium on Solar Farms and Large Battery Energy Storage Systems. The purpose of this Local Law is to enable the Town time to study the impacts, effects, and possible zoning controls over such activities, and to consider amendments to the Town’s zoning laws to appropriately address the same within the confines of New York State Law. After holding a public hearing on February 13, 2020 as required by Town Law and having complied with the requirement of notice and publication to consider such Local Law, the Town Board of the Town of Caledonia did adopt such Local Law as Local Law No. 1 For The Year 2020.

SECTION 1: Title. This Local Law shall be known as the “Moratorium on Solar Farms and Large Battery Energy Storage Systems.”

SECTION 2: Authority and Intent. This Local Law is intended to be consistent with and is adopted pursuant to the authority to enact zoning laws granted to the Town under the New York State Constitution, and the laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, §§2(c)(ii)(10); Municipal Home Rule Law §10; Statute of Local Governments §10; and Town Law §§ 264 and 265.

c. Purpose. The purpose of this Local Law is to enable the Town to stay any and all of the activities prohibited by Section 4 of this Local Law, and all Town-level approvals relating to those activities for a period of twelve (12) months in order to provide the Town time to study the impacts, effects, and possible zoning controls over such activities, and to consider amendments to the Town’s zoning laws to appropriately address the same within the confines of New York State law. The Town Board believes that a twelve-month moratorium after the effective date of this Local Law, coupled with the mechanism for use variances already contained in the Town Zoning Law, will achieve an appropriate balancing of interests between the need to safeguard the character and other resources of the Town and the health, safety and general welfare of its residents, and the rights of individual property owners or businesses desiring to conduct such activities during that period.

Section 4. Moratorium and Prohibition. For a period of twelve (12) months after the effective date of this Local Law, no application for a special permit, zoning variance, building permit, operating permit, site plan approval, subdivision plat approval, certificate of occupancy, certificate of compliance, temporary certificate, or other permit of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town for a Solar Farm or Large Battery Energy Storage System.

Section 6. Superseding Intent and Effect. This Local Law shall supersede any inconsistent provisions of the Town Zoning Code, or any and all other local ordinances, laws or resolutions of the Town of Caledonia.

Section 7. Severability. If any provision of this Local Law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

Section 8. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

Dated: February 14, 2020
By Order Of The Town Board
Laurie Sattora
Town Clerk
Caledonia, New York