

**NOTICE OF PUBLIC HEARING
VILLAGE BOARD OF TRUSTEES OF THE
VILLAGE OF CANASTOTA**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of Trustees of the Village of Canastota on May 21, 2018 at 7:30 p.m., or as soon thereafter as may be heard, at the Municipal Building, 205 South Peterboro Street, Canastota, New York, to consider a proposed local law entitled, "A local law imposing a moratorium on the establishment of ground solar energy facilities within the Village of Canastota". This local law would prohibit the establishment or expansion of arrays of ground solar energy facilities (as defined in the proposed local law) for a period of one year from the effective date of the legislation pending the completion of a review of the current Village Zoning Code provisions with respect to such uses, and the drafting and adoption of new legislation to regulate such uses.

The complete text of the proposed local law is available for review at the Village Clerk's office during the Clerk's regular office hours. All interested persons will be heard at this public hearing.

Dated: May 7, 2018
Catherine Williams, Village Clerk/Treasurer
Village of Canastota

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

of

Canastota

~~Town~~

~~Village~~

Local Law No. _____ of the year 2018

A local law imposing a moratorium on the establishment of ground solar energy facilities within the Village
(Insert Title)
of Canastota

Be it enacted by the _____ Village Board of Trustees _____ of the

~~County~~

~~City~~

of

Canastota

as follows:

~~Town~~

~~Village~~

Section 1. Short Title.

This local law shall be known and cited as the "Ground Solar Energy Facilities Moratorium Law of the Village of Canastota, New York."

Section 2. Legislative Findings.

The Village Board of Trustees hereby finds that without adequate regulations governing the location and placement of ground mounted solar panel energy arrays, such facilities may have a detrimental impact on neighboring properties and the community in general. Such facilities, if not properly sited, may have adverse visual impacts and have a detrimental effect on the value of other properties, particular when sited near existing residential neighborhoods or if views from public streets and places are inadequately screened. Presently the Village of Canastota does not specifically regulate the location or placement of such facilities.

The Village desires to study and evaluate the land use impacts of ground mounted solar panel energy facilities and enact a local law regulating their location and placement in order to preserve and protect the aesthetic and visual resources of, and the property values within, the Village by providing certain regulations and restrictions on the location, size and siting of ground solar energy facilities within the Village, while enabling such facilities to be developed in the interest of promoting the development and use of renewable energy sources.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

During the period in which the moratorium established by this Local Law is in effect, the Village will evaluate potential restrictions concerning ground solar facilities that may be necessary or appropriate to so preserve and protect the aesthetic and visual resources of, and the property values within, the Village.

The Village Board further finds that no review of the Village Zoning Code as envisioned by this local law has previously occurred, and that such a review is necessary to protect the future health, safety and welfare of present and future residents of the Village of Canastota.

Section 3. Authority and Purpose.

The Board of Trustees of the Village of Canastota hereby adopts this Local Law pursuant to its general zoning authority under Article 7 of the Village Law and its general home rule authority under the Municipal Home Rule Law for the purposes of addressing the potential threat to the public health, safety and welfare described at Section 2 above.

Section 4. Definitions.

For purposes of this Local Law, the term ground solar energy facility shall mean: structures, facilities, systems and/or equipment, or any combination thereof, including, but not limited to, solar panels and the hardware with or on which such panels are mounted, the purpose of which is to collect, absorb, concentrate or direct solar energy, which structures, facilities, systems and/or equipment, or any combination thereof, are located, installed, constructed or developed on the ground of a parcel, or on a pad or base substantially on grade with the ground. Ground solar facilities shall not include structures, facilities, systems and/or equipment, or any combination thereof, that are located, installed, constructed or developed on or above the roof of an existing improvement.

Section 5. Intent.

The intent of this Local Law is to provide a temporary, interim measure to suspend the development of ground solar energy facilities until such time as the Village has had an opportunity to research the options for regulation of such facilities and to develop, consider and enact a local law establishing regulations for the installation of ground solar energy facilities. It is the intent of the Village Board to protect the public health, safety, and welfare by enacting this interim moratorium law for a reasonable period. During said period, the Village Planning Board, or such other panel or body as may be designated by the Village Board for this purpose shall complete an evaluation and assessment of existing land use plans and regulations for lands within the Village and make recommendations to the Village Board of Trustees as to potential amendments to address the potential threat to the public health, safety and welfare described at Section 2 above. The Village Board shall thereafter enact necessary modifications to the Village Zoning Code and/or Zoning Map, thereby a race of diligence will be avoided. The Village Board declares that the enactment of this local law is necessary to protect the public interest, including the public health, safety and welfare, while such examination and modifications are undertaken.

Section 6. Regulations.

A. Except as otherwise provided herein, effective on the effective date of this local law, and continuing until one year from the effective date of this local law, unless the Village Board, by

resolution, establishes an earlier date, no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any ground solar energy facility, nor shall any such application be accepted, processed or continue to be processed with respect to any such property located in the Village of Canastota.

B. The Village Board may, by resolution, extend the moratorium period provided for herein by two (2) additional periods not to exceed 180 days each.

Section 7. Supersession of Village Law and Zoning Code.

The provisions of this local law, and any moratorium (or extension thereof) enacted hereunder, shall supersede in their application to the Village of Canastota any and all contrary provisions of Chapter 230 of the Village Code of the Village of Canastota and of Article 7 of the New York Village Law, including, but not necessarily limited to the provisions of Village Law, sections 7-706, 7-708, 7-712-a, 7-725-a, 7-725-b and 7-728, and/or any other provisions of Article 7 of the Village Law with respect to any time periods within which the Village or the Planning Board is required to act in regard to any application, and/or with respect to default approval of any such application within such time periods as may be prescribed in said Village Law.

Section 8. Appeal Provisions.

A. The Village Board shall have the power by resolution to exempt or modify the application of any provision of this local law with respect to a written request for such exemption or modification, upon its determination, in its absolute legislative discretion, that such exemption or modification is consistent with the spirit of the intended land use regulations upon which this local law is based and with the health, safety, morals, and general welfare of the Village. In evaluating any such request, the Village Board shall take into account the existing land uses near the proposed facility, and in granting any such request, the Village Board shall specifically determine that the proposed ground solar energy facility does not have a significant adverse impact on the character of any existing residential neighborhood, nor have a significantly adverse visual impact from the perspective of any street or public lands. The Village Board shall have absolute discretion in its determination whether to consider or grant any such request.

B. Upon receiving any such request for such exemption or modification, the Village Board may refer such request, along with the complete project application to which it pertains, to the Village Planning Board for a report of said Planning Board with respect to the effect of the requested exemption or modification upon the intended revisions of the land use regulations. Such report shall

be returned by the Planning Board to the Village Board within 30 days of such referral.

Section 9. Penalties for Offenses.

Any person, firm, entity, or corporation acting in violation of the provisions of this local law shall be guilty of an offense punishable by a fine not to exceed two hundred and fifty dollars or imprisonment of not more than fifteen days, or both. Each day of continuance of an offense shall be considered a separate offense. In addition to such penalties, the Village of Canastota may enforce this local law by injunction and/or such other appropriate civil remedies as may be available.

Section 10. Severability.

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

Section 11. Repeal of Existing Laws.

All ordinances, local laws, or parts thereof in conflict with the provisions with this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

Section 12. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and

Strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2018 of the (County)(City)(Town)(Village) of Canastota was duly passed by the Board of Trustees on _____, 2018, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20_____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved) (not approved (repassed after disapproval) by the _____ on _____ 20_____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified elector voting thereon at the (general)(special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved) (not approved (repassed after disapproval) by the _____ on _____ 20_____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____, State of New York, having been submitted to electors of the General Election of November _____ 20 ____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph _____ 1 _____, above.

Clerk of the county legislative body, ~~City, Town~~ or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF MADISON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Attorney for the Village
Title

~~County~~
~~City~~ of _____ Canastota _____
~~Town~~
Village

Date: _____