

LOCAL LAW No. 5 OF 2016

A LOCAL LAW ADOPTING A MORATORIUM ON CERTAIN SOLAR ENERGY USES

BE IT ENACTED by the Village Board of the Village of Walden, Orange County, New York as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Village of Walden and to maintain the *status quo* as to certain solar energy uses, as the present zoning regulations in the Village do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar arrays and solar farms or any and all solar installations except for roof-mounted solar panels. The moratorium is for a period of six (6) months, allowing the Village Board to analyze and determine potential appropriate revisions and amendments to the Village of Walden Zoning Code concerning this use.

SECTION 2. LEGISLATIVE FINDINGS.

The Village of Walden Village Board does hereby find that without a temporary halt on the processing, permitting, and approvals for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the Village and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of, and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Village.

The Village Board also finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Village. By maintaining the *status quo* regarding such uses the Village Board can provide for the planned orderly growth and development of the Village.

SECTION 3: MORATORIUM IMPOSED; APPLICABILITY

For a period of time of six (6) months following the effective date of the adoption of this Local Law no application may be processed, and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to solar arrays and solar farms or any and all solar installations except for roof-mounted solar panels.

The term “land uses relating to solar energy” shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are roof mounted solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

This Local Law shall be binding on the Village Board, Planning Board, Zoning Board of Appeals, Building Inspector, all Village officials and employees, and any applicant or real property owner in the Village desiring to apply for or receive a permit, certificate of occupancy or approval in the Village of Walden.

During the period of the moratorium, the Village Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Village of Walden Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Village for land uses relating to solar energy as described above.

SECTION 4: TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Village Board.

SECTION 5: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Village Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

SECTION 6: WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Village Board may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

SECTION 7: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.