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TOWN OF AMSTERDAM TOWN BOARD

A RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2024 TO IMPOSE A MORATORIUM ON APPLICATIONS FOR PERMITS, SITE PLANS, OR OTHER LAND USE APPROVALS FOR INSTALLATION OF SOLAR ENERGY FACILITIES AND SOLAR ENERGY SYSTEMS

Whereas, solar energy system development in New York State has continued to increase in recent years, and in order to protect the public health, safety, and welfare, the Town Board of the Town of Amsterdam wishes to conduct further study of these developments and the need to update the Town's existing local regulation thereof; and

Whereas, to achieve this objective, the Town Board desires to impose a moratorium on applications for permits, site plans, or other land use approvals for installation of solar energy facilities and solar energy systems; and

Whereas, proposed local law 5 of 2024, which is attached hereto, was introduced to the Town Board on August 21, 2024; and

Whereas, the Town Board conducted a duly noticed public hearing on September 18, 2024 to solicit public comment on a proposed moratorium which would supersede and suspend all of Article 16 of the New York State Town Law Sections 261-285, as well as jurisdiction of the ZBA to grant relief from the moratorium, in order to preserve the status quo while affording the Town Board sufficient time to adequately study and consider the Town's zoning law and solar energy facilities and solar energy systems within the various zoning districts in the town; and

Whereas, adoption of moratoria on land development or construction is a type 2 action under SEQR;

now, therefore, be it

RESOLVED, that the Town Board of the Town of Amsterdam hereby adopts Local Law No. 5 of 2024 and directs the Town Clerk to file the necessary paperwork with the Secretary of State.

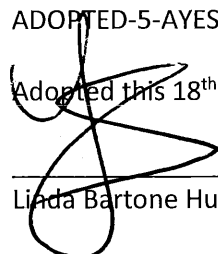
Dated: September 18, 2024

Sponsored by: Councilwoman Mary Maines

Seconded by: Councilman David Thibodeau

ADOPTED-5-AYES-0-NOES

Adopted this 18th day of September 2024.



Linda Bartone Hughes, Town Clerk

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 Town Village
(Select one.)

of Amsterdam

Local Law No. 5 of the year 2024

A local law IMPLEMENTING A TEMPORARY LAND USE MORATORIUM PROHIBITING
(Insert Title)
INSTALLATION OF SOLAR ENERGY FACILITIES AND SOLAR ENERGY SYSTEMS

Be it enacted by the Amsterdam Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Amsterdam as follows:

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

Local Law No. 5 of 2024

A LOCAL LAW TO IMPLEMENT A TEMPORARY LAND USE MORATORIUM PROHIBITING
INSTALLATION OF SOLAR ENERGY FACILITIES AND SOLAR ENERGY SYSTEMS

BE IT HEREBY ENACTED BY THE TOWN BOARD OF THE TOWN OF AMSTERDAM AS FOLLOWS:

Section No. 1 Subject & Authority

The Town of Amsterdam hereby enacts a temporary 120 day or four (4) month land use moratorium on solar energy facilities and solar energy systems within all Town Zoning Districts. This Local Law is adopted in accordance with Municipal Home Rule Law §10 and shall be as follows:

Section No. 2 Purpose

The solar industry has grown in recent years due to increased calls to obtain economic and environment advantages of renewable energy, the federal and state tax benefits and solar industry innovation. Regulations currently exist on solar energy systems in the Town of Amsterdam Town Code. The Town Board is concerned about the possible increase in demand and potential impacts of solar energy facilities and solar energy systems and believes it is necessary to establish a Local Law enact a temporary 120 day or four (4) month land use moratorium in order to protect public health, safety and welfare of our community, the Town Board hereby declares said moratorium on the establishment, construction, enlargement or erection of solar energy facilities or solar energy systems. Recognizing this need, the Town believes that a moratorium is necessary to allow the Town Board to study our code and update our solar system regulations.

Section No. 3 Moratorium

The Town of Amsterdam hereby imposes a temporary moratorium on the installation of solar energy facilities and solar energy systems located in all Town of Amsterdam Zoning Districts until December 21, 2024 or any earlier date that the Town Board adopts regulations relating to solar energy systems. This moratorium shall not apply to solar energy systems installed in the Town of Amsterdam to prior to effective date of this Local Law.

Section No. 4 Extensions

This moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Amsterdam.

Section No. 5 Termination

This moratorium shall be terminated earlier than December 21, 2024 upon enactment of any local legislation which adopts regulations relating to solar energy systems.

Section No. 6 Effective Period

This Local Law shall take effect immediately upon filing in the Office of Secretary of State, NY as provided in Municipal Home Rule Law §27 or as otherwise provided by law.

(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. 5 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Amsterdam was duly passed by the Amsterdam Town Board on September 18, 2024, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(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 electors 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* 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.

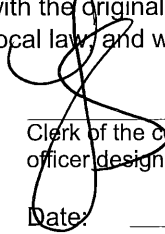
6. (County local law concerning adoption of Charter.)

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 the electors at 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 the 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.

(Seal)



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

Date: 9.10.23