

Town of Northumberland

Local Law No. __ of the year 2022

**A Local Law Extending the Moratorium
on Certain Solar Energy Systems**

Be it enacted by the Town Board of the Town of Northumberland as follows:

Section 1. Title

This Local Law shall be referred to as “A Local Law Extending the Moratorium on Certain Solar Energy Systems.”

Section 2. Purpose and Intent

By Local Law 3 of 2021 the Town Board of the Town of Northumberland enacted an eight (8) month moratorium on the processing of applications for Freestanding/Ground-Mounted Solar Collection Systems. The moratorium became effective on July 20, 2021 when Local Law 3 of 2021 was filed with the New York Secretary of State and is set to expire on March 20, 2022.

The Town Board has been working toward the adoption of a new land use law by meeting with the Planning Board and Town Staff and soliciting and compiling opinions and ideas for revisions to the provisions of its existing Zoning Ordinance that regulate Solar Energy Systems.

It is the Town Board’s desire to complete its review of the Solar Energy System provisions and the subsequent development, consideration and ultimate adoption of an amendment in an appropriate and deliberate manner free from any race to diligence or timing concerns raised by the possible expiration of the moratorium. The moratorium is set to expire on or about March 20, 2022 and it is anticipated the Town Board will need additional time to complete this process, the related environmental review, and the required procedure for the adoption of a local law. Accordingly, the Town Board desires to extend the current moratorium for an additional six (6) month period

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”) which has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law, article 8 and is therefore not subject to review under 6 NYCRR Part 617 or Environmental Conservation Law article 8.

Section 3. Authority

This moratorium is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Section 4. Scope of Controls – Extended Term

- A. Local Law 3 of 2021 imposing an eight (8) month moratorium on the processing of applications for Freestanding/Ground-Mounted Solar Collection Systems shall be extended for a six (6) month period of time through September 20, 2022.
- B. Except as otherwise amended herein, all provisions of Local Law 3 of 2021, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for a six (6) month period of time through September 20, 2022.

Section 5. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provisions of this Local Law that can be given effect without such invalid provision.

Section 6. Suspension and Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law area hereby superseded and suspended through September 20, 2022. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22.

In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Northumberland with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section 11. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.