

✓ 6/16/17 mailed
EB

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 Groveland

Local Law No. 1 of the year 2017

A local law A Local Law Imposing a Six-Month Moratorium and Prohibition of Solar Farm Development
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Groveland as follows:

Section 1. Title

This Local Law shall be referred to as a "Local Law Moratorium and Prohibition of Solar Farm Development".

Section 2. Purpose and Intent

Pursuant to the statutory and common law powers vested in the Town of Groveland (the "Town") to regulate and control land uses and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a temporary moratorium on the processing or approval of applications for building permits, special use permits, special permits, variances, site plan approvals, subdivision approvals related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of Solar Farms and Solar Power Plants in the Town.

The Town Board desires to review its Land-Use Farmland Protection Plan and address, in a careful manner, the undertaking, establishment, siting, placement, construction, enlargement and erection of Solar Farms and Solar Power Plants on a Town-wide basis, rather than on an ad hoc basis, and to adopt new land use regulations to specifically regulate the same.

The Town Board finds that if development of Solar Farms and Solar Power Plants in the Town proceeds under the current Zoning Law it will lessen the ability of the Town to plan for its orderly development and protect the public health, safety and general welfare of the Town's citizens. Thus, the Town Board further finds and determines that it needs a period of time covered by the moratorium imposed herein in order to carefully review and complete the Zoning Law to adopt regulations for Solar Farms and Solar Power Plants, schedule and hold the required public hearing(s), perform the appropriate environmental reviews, comply with applicable provisions of law, adopt the local law(s), and file the same with the Secretary of State of the State of New York.

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the adoption of a moratorium on land development or

See Attached

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

(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. 1 of 2017 of the ~~(County)(City)~~(Town)(Village) of Groveland was duly passed by the Town Board on June 8th 2017, 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 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) (repassed after disapproval) by the _____ on _____ 20____. 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.
(Name of Legislative Body) (Elective Chief Executive Officer*)

* 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.)

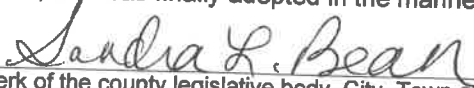
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ above.


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

Date: 6/16/17

(Seal)

A Local Law Imposing a Six-Month Moratorium and Prohibition of Solar Farm Development for Town of Groveland

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

Section 1. Title

This Local Law shall be referred to as a “Local Law Moratorium and Prohibition of Solar Farm Development”.

Section 2. Purpose and Intent

Pursuant to the statutory and common law powers vested in the Town of Groveland (the “Town”) to regulate and control land uses and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a temporary moratorium on the processing or approval of applications for building permits, special use permits, special permits, variances, site plan approvals, subdivision approvals related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of Solar Farms and Solar Power Plants in the Town.

The Town Board desires to review its Land-Use Farmland Protection Plan and address, in a careful manner, the undertaking, establishment, siting, placement, construction, enlargement and erection of Solar Farms and Solar Power Plants on a Town-wide basis, rather than on an ad hoc basis, and to adopt new land use regulations to specifically regulate the same.

The Town Board finds that if development of Solar Farms and Solar Power Plants in the Town proceeds under the current Zoning Law it will lessen the ability of the Town to plan for its orderly development and protect the public health, safety and general welfare of the Town’s citizens. Thus, the Town Board further finds and determines that it needs a period of time covered by the moratorium imposed herein in order to carefully review and complete the Zoning Law to adopt regulations for Solar Farms and Solar Power Plants, schedule and hold the required public hearing(s), perform the appropriate environmental reviews, comply with applicable provisions of law, adopt the local law(s), and file the same with the Secretary of State of the State of New York.

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the adoption of a moratorium on land development or construction 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

Thi

s 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

- A. For a period of six (6) months from the effective date of this Local Law, no board, officer or agency of the Town shall accept, process, consider or approve applications for building permits, special use permits, special permits, variances, site plan approvals, subdivision approvals related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of the following:
 - (i) Solar Farms and Solar Power Plants
- B. The review or processing of any pending applications for building permits, special use permits, special permits, variances, site plan approvals, subdivision approvals related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of the uses, activities and operations set forth in Section 4(A)(i) of the Local Law shall be suspended for the duration of this moratorium.
- C. This moratorium shall not apply to Certificates of Occupancy for any and all construction pursuant to building permits issued prior to the effective date of this local law or the issuance of any building permit for the renovation or repair of any lawfully existing structure otherwise covered by this local law.
- D. The Town Board reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.
- E. This Local Law does not regulate or preclude the issuance of permits for “Small-Scale Solar”.
- F. For purposes of this local law, the following terms shall mean:

PHOTOVOLTAIC SYSTEM: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, generate electricity whenever light strikes them.

SMALL-SCALE SOLAR: Solar photovoltaic systems that produce up to twenty kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached.

SOLAR FARM OR SOLAR POWER PLANT: Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sale of electricity.

Section 5. Hardship

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall grant a variance of the application of this Local Law to a particular property, then the Town Board shall grant a variance of the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 6. Term

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law.

Section 7. Penalties

Any person, firm or corporation that shall undertake, establish, place, develop, excavate, enlarge, construct or erect anything regulated within the "Scope of Controls" listed in Section 4 above in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall:

- A. Be guilty if an offense, punishable by a fine not exceeding two hundred and fifty dollars (\$250.00) or imprisonment for a period not to exceed 15 days, or both. Each day's continued violation shall constitute a separate offense, and
- B. Be subject to appropriate action or proceedings by the proper authorities of the Town to enjoin, correct, or abate any violation(s).

Section 8. 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 9. Suspension and Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law area hereby superseded and suspended for a period of six (6) months from the effective date of this Local law. 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 Groveland with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section 10. Effective Date

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

Introduced: 4/13/17

Public hearing: 6/8/17

Adopted: 6/8/17



www.livingstoncounty.us

RECEIVED
JUN 14 2017
Town of Groveland

**LIVINGSTON COUNTY
PLANNING BOARD**

Livingston County Government Center
6 Court Street, Room 305
Geneseo, New York 14454-1043

Telephone: (585) 243-7550

(585) 335-1734

Fax: (585) 243-7566

E-mail: aellis@co.livingston.ny.us

June 12, 2017

Sandra Bean
Clerk, Town of Groveland
4955 Aten Road
Groveland, NY 14462

Re: Zoning Referral #2017-48, Town of Groveland, Moratorium on Solar Farm Development
(Applicant: Town of Groveland)

Dear Ms. Bean:

The Livingston County Planning Board, at its regular meeting on June 8, 2017, reviewed the zoning referral from the Town of Groveland of the above mentioned pursuant to Sections 239-l and m of the General Municipal Law of the State of New York. The Planning Board voted to recommend "Approval" of the proposed action with the following advisory comments:

1. Per the memo dated May 13, 2016, the Livingston County Agricultural & Farmland Protection Board "would like to recommend that each community take a look at its current regulations on solar energy enterprises to ensure that there is adequate protection of prime agricultural resources. This could include identification of prime agricultural resources on a site during Site Plan Review, Special/Conditional Use Permit provisions or by some other means suited to the individual needs of a community. Project scale, number of acres involved and permanent/temporary construction should also be considered."
2. The Town should consider the NYS Department of Agriculture & Markets Guidelines for Agricultural Mitigation for Solar Energy Projects in the development of solar regulations. Further, the Town should consider regulations that include solar siting guidelines, including prioritizing commercial, industrial or idle/underutilized lands such as remediated brownfields or other surplus properties.
https://www.agriculture.ny.gov/ap/agsservices/Solar_Energy_Guidelines.pdf
3. Some municipalities have considered solar development as a permitted or specially permitted use that would be required to meet existing regulations in the district in which it is placed. Due to the nature of large scale solar enterprises, as municipalities are developing solar regulations, they are encouraged to consider the scope and level of development standards that these uses may require, including lot coverage, height limits, setback/yard requirements, stormwater management, screening, lighting/dark sky compliance, and site planning for solar orientation and solar access.

Development standards should balance solar development with minimizing impacts to adjacent properties/uses, addressing safety and environmental concerns, while maximizing and protecting solar access. The Town may consider using the New York State Model Solar Energy Law and Toolkit as a resource.

https://www.cuny.edu/about/resources/sustainability/reports/NYS_Model_Solar_Energy_LawToolkit_FINAL_final.pdf

4. If not done already, the Town should consider educating landowners and farm operators on the importance of consulting an attorney to consider adding protective language in solar land leases that could safeguard prime agricultural soil and other important natural resources. The Town may consider using the NY-Sun Landowner Considerations for Solar Land Leases Fact Sheet, supported by NYSERDA and the Department of Agriculture and Markets as one resource.

<https://www.nyserra.ny.gov/-/media/NYSun/files/Land-lease-Considerations.pdf>

5. In order to facilitate the Town Board review of hardship variance requests, the Town may wish to consider the addition of review criteria, such as the request for relief to natural resources (including prime agricultural soils), impact on the premises and surrounding areas, compatibility with existing land uses and character of the area, effect upon aesthetic resources, written opinion of the Town Planning Board and Town Code Enforcement Office that such application may be jeopardized or made impractical by waiting until the moratorium is expired and other such reasonable considerations and issues raised by the Town Board. (see enclosed Town of Livonia moratorium, Section 5 for example criteria).

There was a quorum present at this meeting. There was a majority vote on this matter.

Thank you for submitting the proposed for County Planning Board review. If you have any questions regarding this referral, please do not hesitate to call me at 243-7550.

Sincerely,



Heather Ferrero
Deputy Planning Director

cc: Kevin Fahey, Chairman, Livingston County Planning Board
Ruth Lea, Town of Groveland representative, Livingston County Planning Board
William Carman, Applicant

Johnson Newspaper Corporation

Client:	104870	TOWN OF GROVELAND	Phone:	(585) 243-1750
Class.:	4955 ATEN RD		GROVELAND, NY	14462-9519
Ad #	20383580	Requested By: SANDRA	Fax:	
Sales Rep.:	W240	Jessie Taylor	Phone:	(315) 782-1000
		jtaylor@wdt.net	Fax:	(315) 661-2521
Class.:	0110	Public Notices		
Start Date:	05/25/2017	End Date:	06/01/2017	Nb. of Inserts: 2
PO #:		Entered By:	JTAYLO	
Publications:	Livingston County News			
Paid Amount:	\$0.00	Balance:	\$80.38	
Total Price:		\$80.38		Page 1 of 1

Town of Groveland
Local Law Public Hearing

The Town Board will be holding a public hearing on June 8, 2017 at 8:15 p.m. at the Groveland Town Hall, 4955 Aten Road, Livingston County to introduce a Local Law Moratorium: Local Law #2017 "Moratorium on And Prohibition Of Solar Farm Development"; Authority and Intent This Local Law is intended to be consistent with and is Adopted pursuant to the authority granted to the Town Board of the Town of Groveland All local laws in conflict with the provisions of this Local Law area hereby superseded and suspended for a period of six (6) months from the effective date of this Local law. 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 Groveland with the authority to accept, hear, process and determine applications for variances from this Local Law.

Local Law 2017 "Moratorium on And Prohibition Of Solar Farm Development"- Pursuant to the statutory and common law powers vested in the Town of Groveland (the "Town") to regulate and control land uses and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby declares a temporary moratorium on the processing or approval of applications for building permits, special use permits, special permits, variances, site plan approvals, subdivision approvals related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of Solar Farms and Solar Power Plants in the Town.

The Town Board desires to review its Land-Use Farmland Protection Plan and address, in a careful manner, the undertaking, establishment, siting, placement, construction, enlargement and erection of Solar Farms and Solar Power Plants on a Town-wide basis, rather than on an ad hoc basis, and to adopt new land use regulations to specifically regulate the same.

Copies of the proposed law is available for review at the Town Clerk's office during regular office hours, the office phone number is 243-1750. The Board will hear any person or persons in support or in opposition to this matter at the public hearing. Anyone wishing to express an opinion in writing may do so.

By order of the Town Board
Sandra Bean, Town Clerk

NOTIFICATION OF FINAL ACTION

2017-48

Please fill out the following and return this card to the Planning Board office. Thank you.

On 6/8/17 the Town Board
(date) (name of municipal board)

of the Town of Groveland reviewed the following
(name of municipality)

proposal which was referred to the County Planning Board:

Moratorium on Solar Farm Development (Town of
Groveland)

The Board took the following action on the proposal:

- ☒ Approved or adopted without modification
☐ Approved or adopted with modification
☐ Disapproved
☐ No action

Name: Sandra L. Bean Title: Town Clerk

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

RECEIVED
JUN 26 2017
Town of Groveland

June 22, 2017

Town Clerk
4955 Aten Road
Groveland NY 14462

RE: Town of Groveland Local Law No. 1 2017 Filed on June 21, 2017

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**