
Town of Skaneateles
Local Law 1 of the Year 2017
A Local Law Imposing a Moratorium on the Commercial Solar Uses.

Section 1. Title

This Local Law shall be referred to as the “Local Law Imposing a Moratorium on Commercial Solar Uses in the Town of Skaneateles.”

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Skaneateles to regulate and control land use and to protect the health, welfare, and safety of its residents, the Town Board of the Town of Skaneateles declares a one year moratorium on commercial solar uses, as well as a moratorium on any activity associated therewith or intending to support such process including the establishment, implementation, placement or construction of such the Town of Skaneateles.

Section 3. Authority

This Local Law is enacted pursuant to the provisions of the New York Town Law and the New York Municipal Home Rule Law.

Section 4. Legislative Findings

The Town Board enacts this moratorium pursuant to its legislative powers and to preserve for the Town Board on behalf of the residents of the Town, the ability to deliberately review the issues and concerns related to commercial solar uses, and to provide adequate time to determine if permanent comprehensive local legislation is necessary and in the best interests of the Town. The Town Board is desirous of using the moratorium period to study and give careful consideration to the subject of commercial solar uses, their impact on the physical and human environment in the Town, and the possible need for local legislation.

Section 5. Scope of Moratorium

During the effective period of this Local Law, no person shall engage in any activity and the Town Board, the Town Planning Board, the Town Zoning Board of Appeals, and the Codes Enforcement Officer shall not grant any special use permit, specific use permit, building permit, variance, or approval of any kind which would result in the establishment, implementation, placement or construction of Commercial Solar Use, including any activity associated therewith or intending to support such use, including the establishment or implementation of such use or activity in the Town.

Section 6. Term

This moratorium shall be in effect for a period of six months from the effective date.

Section 7. Penalties and Enforcement

Any person, firm, corporation or other entity that shall take any action to establish, implement, place or construct a Commercial Solar Use, including the establishment, implementation, placement or construction of any activity or facility associated therewith or intended to support such process in violation of the provisions of this Local Law shall be subject to such penalties as may be provided by any applicable local law, ordinance, rules, or regulation of the Town for violations. The Town Board may seek injunctive relief to cease any activity in violation of this Local Law or to remove any construction that may have taken place in violation of this Local Law.

Section 8. Validity

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

Section 9. Hardship

A. In the event that any owner of real property affected by this Local Law shall suffer an unnecessary hardship because of the implementation of the letter of this Local Law, then the owner of such property may make a written application to the Town Board for a variance from strict compliance with this Local Law. Unnecessary hardship shall not mean a mere delay in being able to pursue a Commercial Solar Use or to be able to apply for and receive a decision upon any permit or approval of any kind related thereto.

B. Applications for a variance shall be in writing and shall set forth or have attached thereto evidence of the claimed hardship. The Town Board shall schedule a public hearing on any such application within thirty (30) days of its receipt upon at least five (5) days' notice by publication in the Town's official newspaper and posting on the Town Clerk's board. At said public hearing, the property owner and other interested parties shall be heard and given the opportunity to present evidence in connection with the application. The Town Board shall render a decision in writing within thirty (30) days of the public hearing. If the Town Board determines that the property owner will suffer an unnecessary hardship by means of the strict application of this Local Law, then the Town Board will grant the minimum variance necessary to afford relief to the applicant.

Section 10. Definitions

A. The terms "Commercial Solar Use" shall mean the placement, construction, erection, installation, or use of a Solar Energy System for the generation of electrical power to be used primarily for the sale or distribution to, or consumption by distributors or users located off the

site of such Solar Energy System; provided, however, this does not include On-Site Solar Energy Uses. The placement, construction, erection, installation, or use of a Solar Energy System for the generation of electrical power to be used by a collective or cooperative group of homes or businesses shall be considered a Commercial Solar Use.

B. The term “On-Site Solar Energy Uses” shall mean the placement, construction, erection, installation, or use of a Solar Energy System, whether attached to a structure or affixed to the ground on site, for the generation of electrical power to be used primarily for the electrical needs of the residential, agricultural, or commercial property, on which such Solar Energy System is located. Provided that if a Solar Energy System is installed and used primarily for the foregoing purposes, the incidental sale or distribution of excess electricity generated by such Solar Energy System shall not cause such system to be deemed a Commercial Solar Use.

C. The term “Solar Energy System” shall mean solar photovoltaic cell, panel, or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat, air, or water, controls, energy storage devices, heat pumps, heat exchangers, and other materials hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed, and includes solar thermal, photovoltaic, and concentrated solar.

D. The term “Town” shall mean the Town of Skaneateles.

E. The terms “Town Board”, “Planning Board” and “Zoning Board of Appeals” shall refer to the appropriate boards established in the Town of Skaneateles pursuant to the Town Law. The term “Codes Enforcement Officer” shall mean the duly appointed officer in the Town of Skaneateles charged with the enforcement of the Town’s zoning and related codes.

10. State Environmental Quality Review Act (SEQRA)

The Town Board has considered the provisions of Article 8 of the Environmental Conservation Law (“SEQRA”) and the regulations adopted thereunder at 6 NYCRR Part 617 and finds this Local Law to be a Type II Action as defined therein. Therefore, no further review is required under SEQRA.

11. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.