

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 Augusta

Local Law No. 1 of the year 2022

A local law "Establishing a Temporary (12) Month Moratorium on Commercial
(Insert Title)
Ground Mounted Solar Energy Systems and Facilities with the
Town of Augusta "

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

County City Town Village
(Select one.)

of Augusta as follows:

** 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 2022 of the (County)(City)(Town)(Village) of Augusta was duly passed by the Town Board on DECEMBER 15 2021, 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.

Louisa M. Furness
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *Dec. 17, 2021*

(Seal)



STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

May 4, 2022

Sonya M Burness
Town of Augusta Clerk
185 N Main Street, PO Box 686
Oriskany Falls NY 13425

RE: Town of Augusta, Local Law 1 2022, filed on April 22 2022

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**

**TOWN OF AUGUSTA
LOCAL LAW NO. 7 OF 2021**

**ESTABLISHING A TEMPORARY TWELVE(12) MONTH
MORATORIUM ON COMMERCIAL GROUND-MOUNTED SOLAR
ENERGY SYSTEMS & FACILITIES WITH THE TOWN OF
AUGUSTA**

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

Section 1. Title:

This Local Law shall be referred to as the "Local Law Establishing a Temporary Twelve (12) Month Moratorium on Solar Energy Systems and Facilities"

Section 2. Purpose and Intent:

Pursuant to the statutory powers vested in the Town of Augusta (hereinafter the "Town") to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Augusta hereby declares a temporary twelve (12) month moratorium on the establishment or development of any new Solar Energy Facilities or the enlargement of any existing Solar Energy Facilities in the Town, or the issuance of any approvals or building permits therefore.

The Town anticipates that there may be an increase in the demand for this type of energy producing facility in the Town and that it may receive a number of new applications for, and inquiries about, the establishment or enlargement of energy producing activity within the Town.

The question of integrating energy production facility within the Town's existing pattern of predominately residential and agricultural land use emphasizes the need for suitable siting, land use standards with reference to energy production facilities, consistent with provisions of law.

The Town Board of the Town desires to address, in a careful manner, this integration question on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt Local Law provisions to properly regulate the same.

The Town Board of the Town is now in the process of considering various options relating to this issue. The Town Board of the Town finds and determines that it needs the twelve (12) month period of time covered by the moratorium imposed herein in order to carefully study the integration issue, draft proposed amendments to the Town Code, make appropriate changes to the draft of the proposed Local Law, schedule and hold the required public hearing on the Local Law, perform an appropriate environmental review

of the Local Law, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Law (as adopted) with the Secretary of State of the State of New York.

Section 3. Scope of Controls:

A. During the effective period of this Local Law

1. The Town Board of the Town shall not grant any approvals that would result in the establishment or development of any new solar energy production facilities or the enlargement of existing solar facilities within the Town.
2. The Building Code Officer of the Town shall not issue any building permit or other permit, which would result in the establishment or development of any new solar energy production facilities or the enlargement of existing solar energy facilities within the Town.

B. The Town Board of the Town reserves the right to direct the Town Building and Code Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 4. No Consideration of New Applications:

No applications for excavation, construction, development, establishment or enlargement of any solar energy producing facilities affected by this Local Law or for approvals for a subdivision, a variance, or other permits relating to solar energy production facilities shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 5. Term:

The moratorium imposed by this Local Law shall be in effect for a period of twelve (12) months from the effective date of this Local Law. In the event that a Local Law relating to solar energy facilities is adopted prior to the date that the moratorium imposed by this Local Law expires, then in that event the moratorium imposed by this Local Law shall expire on the date that Town Local Law relating to solar energy facilities takes effect in accordance with section 27 of the Municipal Home Rule Law.

Section 6. Penalties:

Any person, firm or corporation that shall establish or develop any new solar energy production facilities or enlarge any existing solar energy production facilities in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may other be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. Injunctive relief in favor or the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to restore any site work or construction which may be taken place in violation of this Local Law.

Section 7. Validity:

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

Section 8.

This law specifically applies to commercial facilities. It is not intended for private homeowners intending to supply personal energy to themselves.

Section 9. Hardship:

A. Should any owner of property affected by this Local Law suffer any 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 variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship shall not be a mere delay in being permitted to make an application or waiting for a decision on the application for a variance, 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 owner seeking a variation of 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 fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary 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 10. Repealer:

This Local Law shall supersede all prior local laws, ordinances, rules and regulations of the Town of Augusta that may be inconsistent with this local law and any such prior local laws, ordinances, rules and regulations shall be, upon the effective date of this Local Law, null and void.

Section 11. Effective Date:

THIS Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

THE TOWN OF AUGUSTA, AS SET FORTH HEREIN

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Augusta, the said Town Board will hold 2 public hearings at the Town Hall, North Main Street, Town of Augusta on the 15th day of December 2021.

Moratorium on Commercial Solar at 5:30 PM

Cannabis Law at 5:45 PM

Said hearing may be adjourned from time to time as necessary.

Further information may be obtained at the Town Clerks Office, 185 N. Main Street, Oriskany Falls, New York 13425

TOWN BOARD OF THE TOWN OF AUGUSTA

By Sonya M. Furness, Town Clerk

The Public Hearing to hear public comments on the Proposed Local Law #7 of 2021 entitled "Establishing a Temporary 12 Month Moratorium on Commercial Ground Mounted Solar Energy Systems and Facilities with the Town of Augusta" was held on Wednesday, the 15th day of December 2021, on the second floor of the Village Hall, Oriskany Falls, NY at 5:30 PM.

Present were the following Supervisor, Suzanne Collins, Councilmen: Charles Peck, and Travis Wright.

Absent were Councilmen James Dowd and Mark Russell

Public Present: Phil Eaton, Skip Staelens, Anne Brown, Steve Roys, Aaron Browka and Adam Shaver.

Supervisor Collins called the meeting to order at 5:30 PM.

Public Hearing Notice and proposed Local Law was read.

With no persons present with desire to be heard, except to say that they were in favor of a moratorium the Town Board was asked if they had any input.

A motion by Councilman Wright and seconded by Councilman Peck to adjourn Public Hearing at 5:45 PM. Motion carried unanimously.

Public Hearing : - Moratorium on Ground Mounted Solar Energy Systems and Facilities within the Town of Augusta.

RESOLUTION 79-2021

On a motion of Councilman Wright, seconded by Councilman Peck, the following resolution was

ADOPTED Ayes 3 Collins, Peck, Wright
Nays 0

Resolved that the submitted Local Law #7 of 2021 be adopted, extending Local Law 2 of 2021 for another year and sent to New York State for filing.

Respectively submitted,
Sonya Furness
Town Clerk