

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 DEERPARK

Local Law No. 1 of the year 2016

A local law CREATING A MORATORIUM OF OPENING, SITING, MAINTENANCE AND
(Insert Title)
OPERATION OF COMMERCIAL SOLAR USES IN THE TOWN OF DEERPARK,
ORANGE COUNTY, NEW YORK.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of DEERPARK as follows:

SEE ANNEXED PAGES.

(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 2016 of the ~~(County)(City)~~(Town)(Village) of DEERPARK was duly passed by the TOWN BOARD on FEBRUARY 8, 2016, 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 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 _____ above.

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

Date:

2/8/2014

(Seal)

LOCAL LAW NO. 1 OF 2016
A LOCAL LAW CREATING A MORATORIUM OF
OPENING, SITING, MAINTENANCE AND OPERATION
OF COMMERCIAL SOLAR USES IN THE TOWN OF DEERPARK, ORANGE
COUNTY, NEW YORK

Section 1. Purpose. It is recognized that there are some uses which, because of their very nature, are recognized as having potentially serious, negative operational characteristics while having potential benefit to the local citizenry and society at large; that such operational characteristics may be deleterious to the health, welfare, enjoyment and well-being of the citizens of the Town of Deerpark and those who live within the Town; and that the concentration of such activities can and does adversely and seriously impact and potentially endanger adjacent areas also. It is recognized that it is necessary to insure that these uses will not contribute to the blighting or downgrading of neighborhoods. It is further recognized that because the Town of Deerpark is a small residential town, the proliferation of such uses could dangerously affect the welfare of the entire community and a regulation is required in order to prevent such endangering. Commercial solar uses and the operational characteristics of such uses are this kind of use.

Section 2. Legislative Findings.

A. The increase in state and federal support for non-petroleum based, renewable energy source uses, including the possibility of large solar energy generating facilities being proposed to be located within the County of Orange, provide a possibility for a significant increase of having a potential number of individuals, companies and/or property owners seeking to create, establish and/or operate commercial solar use facilities.

B. The Town of Deerpark Town Board has determined to conduct a study and evaluation to examine how to regulate or ban such uses within the Town and what additional or alternative regulations

need to be adopted in addition to or as an alternative to the existing Town Law in order to accomplish the state purposes of the Town Board.

C. This action is exempt under SEQR pursuant to 6 NYCRR Section 617.5(c)(30) as an action involving the adoption of a moratorium on land development or construction.

Section 3. Moratorium Imposed.

A. For a period of six (6) months following date of adoption of this local law, no site plan shall be approved by action of the Planning Board and no other approvals, permits, or certificates of occupancy be granted by any board or officer of the Town for the opening, siting, maintenance and operation of any commercial solar uses. This Local Law shall be binding on the Building Inspector, Planning Board, Zoning Board of Appeals and every applicant or property owner in the Town.

B. The purposes of this moratorium on commercial solar uses shall include commercial solar generating facilities; commercial solar farms; retail or wholesale businesses selling electricity generated by commercial solar generating facilities. Commercial solar uses shall not be limited to the aforesaid.

C. This moratorium may be extended by two (2) additional periods of up to three (3) months each by resolution of the Town Board upon finding a necessity for such extension.

D. During the period of the moratorium, the Town shall endeavor to complete a comprehensive set of regulations to apply to commercial solar uses or to ban same outright.

Section 4. Violation.

A violation of this law shall constitute a violation under the penal law. Any person convicted of violating this law shall be a violation and subject to a fine not exceeding \$1,000.00 or Ninety (90) Days in jail or both. Each day a violation continues shall be considered a separate violation. In the event that a violation is committed by a business organization or corporation, the officers and/or directors of said business enterprise shall be personally liable for any such violations.

Section 5. Supersession.

A. Town Law Section 274-a is hereby amended and superseded in its application to the Town of Deerpark by restricting the authority of the Planning Board to review and approve site plans with respect to commercial solar uses.

B. Town Law Section 274-b is hereby amended and superseded in its application to the Town of Deerpark by restricting the authority of the Planning Board to grant Special Use permits with respect to commercial solar uses.


C. Town Law Section 274-c is hereby amended and superseded in its application to the Town of Deerpark by restricting the authority of the Zoning Board of Appeals to grant use and/or area variances with respect to commercial solar uses.

Section 6. This Local Law shall take effect immediately.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

NOTICE OF ADOPTION OF LOCAL LAW

PLEASE TAKE NOTICE that the Local Law, annexed hereto, designated as Local Law #1 of the year 2016 for the Town of Deerpark, Orange County, New York, entitled "A Local Law Creating a Moratorium of Opening, Siting, Maintenance and Operation of Commercial Solar Uses in the Town of Deerpark, Orange County, New York" was duly passed by the Town Board on the 8th day of February, 2016, in accordance with the applicable provisions of law.


FLORENCE T. SANTINI,
Town Clerk

DATED: February 8, 2016

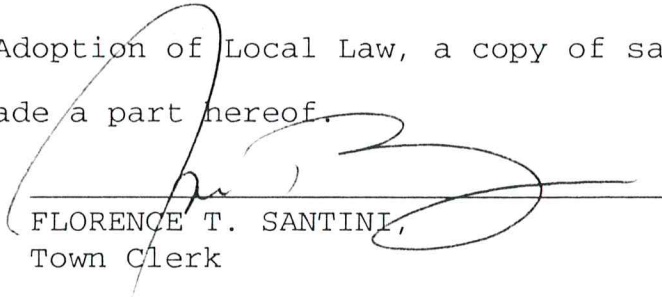
AFFIDAVIT OF POSTING OF NOTICE OF ADOPTION

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

FLORENCE T. SANTINI, being duly sworn, deposes and says:

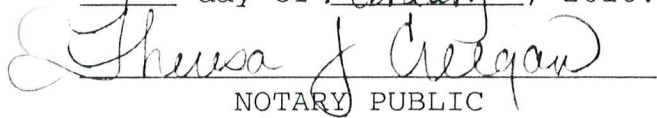
1. I am the duly elected and acting Clerk of the Town of Deerpark, Orange County, New York.

2. On the 9th day of February, 2016, in two public places within the Town of Deerpark, Orange County, New York, I conspicuously posted a Notice of Adoption of Local Law, a copy of said Notice being annexed hereby and made a part hereof.



FLORENCE T. SANTINI,
Town Clerk

Sworn to before me this
9 day of February, 2016.



NOTARY PUBLIC

THERESA J. CREEGAN
Notary Public, State of New York
ID No. 01CR6241019
Qualified in Orange County
Commission Expires May 9, 2019

NOTICE OF PUBLIC HEARING

TOWN OF DEERPARK
COUNTY OF ORANGE
STATE OF NEW YORK

PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Deerpark, Orange County, New York, on the 4th day of January, 2016, a proposed Local Law #1 of the Year 2016, entitled "A Local Law Creating a Moratorium of Opening, Siting, Maintenance and Operation of Commercial Solar Uses in the Town of Deerpark, Orange County, New York".

The full text is on file for public review at the Office of the Town Clerk, Route 209, Huguenot, New York, during regular business hours.

THEREFORE, pursuant to the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Deerpark will hold a public hearing on the aforesaid proposed Local Law in the Town Hall, Route 209, Huguenot, New York, at 7:30 p.m. on the 1st day of February, 2016, at which time all interested persons will be heard.

DATED: January 4, 2016

BY ORDER OF THE TOWN BOARD

FLORENCE T. SANTINI, Town Clerk

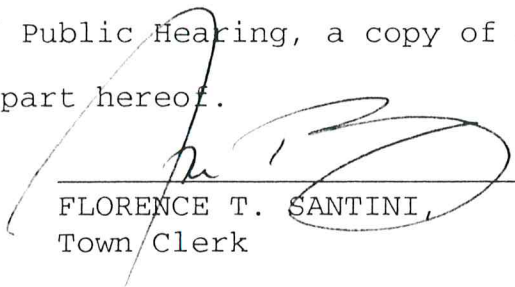
AFFIDAVIT OF POSTING OF NOTICE OF PUBLIC HEARING

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

FLORENCE T. SANTINI, being duly sworn, deposes and says:

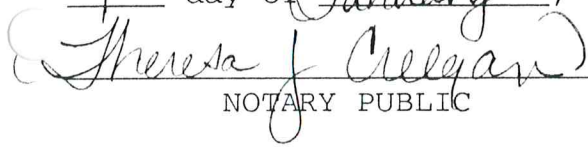
1. I am the duly elected and acting Clerk of the Town of Deerpark, Orange County, New York.

2. On the 4th day of Januray, 2016, in two public places within the Town of Deerpark, Orange County, New York, I conspicuously posted a Notice of Public Hearing, a copy of said Notice being annexed hereby and made a part hereof.



FLORENCE T. SANTINI,
Town Clerk

Sworn to before me this
4 day of January, 2016.



NOTARY PUBLIC

THERESA J. CREGAN
Notary Public, State of New York
ID No. 01CR6241019
Qualified in Orange County
Commission Expires May 9, 2019