

1631 Knight Road
Delanson, NY 12053
(518) 817-3782

November 14, 2019

Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

ATTN: Mr. Roger Tidball, Town Supervisor

Dear Supervisor Tidball:

The following correspondence is written in regard to the Town of Duanesburg Solar Farm Ordinance.

At the October meeting of the Duanesburg Town Board, several residents voiced concerns that the Town Solar Ordinance is weak and needs to be strengthened to protect the town's finances as well as the investment of citizens in their property.

A group of citizens offered to review the ordinance and provide the Town Board with a list of deficiencies along with rationale for each item, and that information is attached.

Based on the fact that the old ordinance does not protect the Town and its residents, and the committee has researched and produced very strong reasons to amend it, we respectfully request that the Town Board implement a moratorium for solar farms until such time as the ordinance can be amended.

Although my property is not currently impacted by an impending farm I am personally very concerned for the Town of Duanesburg's finances, its potential responsibility for an abandoned installation, and the loss of the scenic, rural character of our community as well as the property values of all citizens. Thank you for receiving this information.

Respectfully submitted,



Jane Bystry Weyers



RESOLUTION INTRODUCING LOCAL LAW

RESOLUTION NO. ¹⁴⁹-2019

November 14, 2019

WHEREAS, the Town of Duanesburg has adopted a local law, local law no. 1 of 2016 regulating solar facilities, including major solar facilities; and

WHEREAS, the Town Board has received recommendations for modifications to the regulation of major solar facilities in the Town from the Town Planning Board, the Zoning Board of Appeals and members of the public; and

WHEREAS, the Town Board is hereby introducing Local Law no. 3 of 2019 (attached hereto) which would establish a temporary moratorium on the review of major solar facilities to give the Town Board sufficient time to evaluate the existing law and to make changes to that law if warranted;

WHEREAS, adoption of the Proposed Local Law enactment a temporary moratorium is a Type II action under SEQRA.

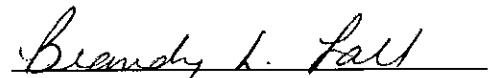
NOW THEREFORE BE IT RESOLVED, that each member of the Town Board has received the attached Proposed Local Law attached hereto; and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to publish a notice of public hearing on the local law in the Schenectady Gazette and post to the Town's website, both to appear once no later than ten (10) days before the date of the public hearing which shall take place at the regular meeting of the Town of Duanesburg Town Board at the Town Offices at 5853 Western Turnpike, Duanesburg, NY 12056 on December 12, 2019 at 7:00 p.m. The Town Clerk is further directed to refer this local law to Schenectady County Planning and to provide the notice of public hearing to all adjoining municipalities and to the Schenectady County Legislature.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of November 14th, 2019.



Roger Tidball, Supervisor



Town Clerk/Deputy Town Clerk

Present: Supervisor Tidball, Council Member Gauthier, Council Member Senecal, Council Member Leon
Absent: Council Member Potter

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
Charles Leoni	<u>Yea</u>	Nay	Abstain
Jeff Senecal	<u>Yea</u>	Nay	Abstain

Town of Duanesburg

Local Law No. 3 of the year 2019

A local law enacting a temporary moratorium on Major Solar Energy Systems Authorized under Local Law 1 of the year 2016

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

**SECTION I.
SHORT TITLE**

This local law shall be cited as Local Law # 3 of 2019 of the Town of Duanesburg and is entitled the “2019 Temporary Moratorium Law on Major Solar Energy Systems.”

**SECTION II.
LEGISLATIVE FINDINGS**

The Town Board seeks to carefully review the Town Zoning Code and Local Law #1 of 2016 which allows the establishment of Major Solar Energy Systems in the Town of Duanesburg. The Town has approved several of these Major Solar Energy Systems and believes that the Town of Duanesburg Zoning Code and Local Law #1 of 2016 should be evaluated in light of the Planning Board and Zoning Board experience in reviewing these projects and to protect and promote the public health, welfare and safety within the Town of Duanesburg. The Town is also in the process of evaluating and updating its existing comprehensive plan which may provide further guidance on the need for any changes or improvements to the Town Zoning Law as it applies to Major Solar Energy Systems. This moratorium is necessary in order to temporarily prohibit the establishment of additional Major Solar Energy Systems in the Town to preserve the status quo while affording the Town Board sufficient time to evaluate and to amend the Town Zoning Law and Local Law #1 of 2016 as they relate to Major Solar Energy Systems.

**SECTION III.
AUTHORITY**

This moratorium is enacted by the Town Board of the Town of Duanesburg 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 IV.
MORATORIUM**

- (A) For a period of six (6) months from the effective date of this Local Law, no applications for Major Solar Energy Systems shall be accepted or considered by the Planning Board of the Town of Duanesburg.

Local Law No. 3 for 2019
Temporary Moratorium

- (B) This moratorium may be extended by one (1) additional period of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

SECTION V.
EXEMPTIONS TO MORATORIUM

The foregoing restriction shall not apply to the following: three Major Solar Energy Systems have been approved by the Town Planning Board: (A) Onyx on Alexander Road, which has been constructed and which is under operation; (B) RER (Schenectady Solar LLC) known as the "NYS Route 7 Solar Farm" located on NYS Route 7 between Gage Road and Youngs Road which has been approved by the Town Planning Board and which has not commenced construction; and (C) the Oak Hill Solar Projects proposed by Eden Renewables which have been approved by the Town Planning Board and which have not commenced construction. This moratorium does not apply to these listed projects.

SECTION VI.
VARIANCES.

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250.00) for the processing of such application. All such applications shall promptly be referred to the Town Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

SECTION VII.
SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VIII.
REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all of the Article 16 of the Town Law, Sections 261-285 inclusive and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take

Local Law No. 3 for 2019
Temporary Moratorium

notice of this legislative intent and to apply such intent in the event the Town has failed to specific any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

SECTION IX.
EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.

