

RESOLUTION #

AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO.

-2018

RESOLUTION TO ADOPT A LOCAL LAW TO AMEND THE RICHMOND TOWN CODE AT PART II “GENERAL LEGISLATION,” CHAPTER 194 “COMMERCIAL SOLAR USE MORATORIUM,” SECTION B “MORATORIUM” TO EXTEND THE COMMERCIAL SOLAR USE MORATORIUM TO DECEMBER 31, 2018

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Richmond on the 13th day of February, 2018, calling for a Public Hearing to be held by the Richmond Town Board on the 27th day of February, 2018, at the Richmond Town Hall, located at 8690 Main Street, Honeoye, New York, at 7:00 PM, to hear all interested parties on a proposed local law to amend the Richmond Town Code at Part II “General Legislation,” Chapter 194 “Commercial Solar Use Moratorium,” Section B “Moratorium” to extend the existing ban on all Commercial Solar Uses to December 31, 2018 while the Town examines and studies the impacts of the development of said use and considers legislation to address potential concerns; and

WHEREAS, the Notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the Richmond Town Hall on the 27th day of February, 2018, on or at 7:00 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the adoption of said Local Law, or any parts thereof; and

WHEREAS, 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 and determines that no further review is required;

WHEREAS, the Town Board of the Town of Richmond, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; it is therefore

RESOLVED that the Town Board of the Town of Richmond adopts Local Law _____-2018 as follows:

LOCAL LAW TO AMEND THE RICHMOND TOWN CODE AT PART II “GENERAL LEGISLATION,” CHAPTER 194 “COMMERCIAL SOLAR USE MORATORIUM,” SECTION B “MORATORIUM” TO EXTEND THE COMMERCIAL SOLAR USE MORATORIUM TO DECEMBER 31, 2018

Section I. Authorization

This local law is enacted pursuant to the provisions of New York’s Town Law and Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. ____-2018 and shall be referred to as the “Local Law Extending Moratorium on Commercial Solar Uses in the Town of Richmond”

Section III. Legislative Finding

The Town Board enacted a moratorium on Commercial Solar Uses to preserve the ability to deliberately review the issues and concerns related to said uses and to provide the Town time to determine whether permanent comprehensive local legislation is necessary and in the best interest of the Town. The Town Board has not completed its review and seeks additional time to continue to study commercial solar uses and evaluate their impact on the environment during an additional moratorium period.

Section IV. Amendment.

Part II of the Richmond Town Code, "General Legislation," Chapter 194 "Commercial Solar Use Moratorium," Section B "Moratorium" shall be amended to read as follows:

- B. Moratorium. There shall be a moratorium banning Commercial Solar Use in the Town until December 31, 2018 and until that date no person shall engage in any activity which would result in the establishment, implementation, placement or construction of a Commercial Solar Use, including any activity associated therewith or intended to support such Use and the Town Board, Planning Board, Zoning Board of Appeals and the Code Enforcement Officer shall not accept, process, interpret, or approve any applications for permits, certificates or approvals for Commercial Solar Uses, except after a Hardship Waiver has been granted.

Section V. Validity and Severability

Should the removal of any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Richmond which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State and will be in effect until December 31, 2018.

