

**PUBLIC HEARING  
OF THE  
STEPHENTOWN TOWN BOARD  
ON PROPOSED LOCAL LAW #8 of 2022 SIX MONTH SOLAR MORATORIUM  
TOWN OF STEPHENTOWN  
26 GRANGE HALL ROAD, STEPHENTOWN, NY 12168  
OCTOBER 17, 2022**

The Regular meeting of the Town Board, Town of Stephentown was called to order by *Supervisor Philip Roder* 6:55 PM at the Town Hall.

**MEMBERS PRESENT:**

( X ) *Supervisor Philip Roder*

( X ) *High. Superin. Alden Goodermote*

( X ) *Council Diana Clark*

( X ) *Assessor, Jennifer Van Deusen*

( X ) *Council William Jennings*

( X ) *Council Everett Madden*

( X ) *Council Kyle Kidney*

( X ) *Town Clerk Stephanie Hoffman*

A quorum ( X ) was ( ) wasn't established.

5  from the Public were present

**REPORT FROM THE TOWN BOARD:**

*Supervisor Roder: reported there have been several meetings with attorneys, this will stop any future new applicants to proceed with any solar projects until the Town Board establishes regulations. The current two applications will be able to continue with their current applications. The town currently does not have any rules or regulations at this point, this will allow the Board to put something in place for Code Enforcement to follow.*

*This meeting is to allow public input on the proposed Six Month Commercial Solar Energy Facilities Moratorium Law*

Section 1. Title

This Local Law shall be known as the "2022 Town of Stephentown Commercial Solar Energy Facilities Moratorium Law."

Section 2. Authority

This Local Law and moratorium are enacted by the Town Board of the Town of Stephentown pursuant to Its authority to adopt local laws under Article IX of the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3. Purpose and Intent

The Town of Stephentown has received applications seeking approval for the construction of new commercial solar energy facilities within the Town, and anticipates the receipt of additional applications in the future. The Land Use Regulations of the Town of Stephentown do not

currently address commercial solar energy facilities. The Town Board believes that it is appropriate and necessary for the Town Board to amend the Town's current Land Use Regulations to address matters specifically pertaining to commercial solar energy facilities such as, among other things, set back, lot coverage, maximum height, and other requirements; landscaping, screening, and visual impact mitigation; site operation and maintenance; facility decommissioning and site restoration; and financial security for the construction, maintenance, and/or removal of such facilities. The Town Board believes that such amendments will provide necessary guidance to the various Town boards involved in reviewing and considering applications for the construction of new commercial solar energy facilities; will assist applicants in understanding the requirements associated with proposed commercial solar energy facilities within the Town; and will serve to minimize potential adverse impacts to the areas in which such facilities are constructed. It is therefore the purpose and intent of this Local Law to temporarily suspend, for a period of six ( 6) months, the consideration, review, or approval of any commercial solar energy facilities while the Town Board undertakes a thorough review of the pertinent issues and adopts amendments to the Town's Land Use Regulations.

#### Section 4. Definitions

For the purpose of this Local Law, "commercial solar energy facilities" shall mean solar energy systems, whether ground-mounted or roof-mounted, which (1) consist of solar panels or other equipment which directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy, together with associated hardware, materials, and equipment, and (2) generates energy primarily for the purpose of offsite sale or consumption.

#### Section 5. Moratorium

For a period of six (6) months following the effective date of this Local Law, after which date this Local Law shall lapse and be without further force and effect unless duly extended, and subject to any other Local Law adopted by the Town Board during such six (6) month period:

- A. The Planning Board of the Town of Stephentown shall not accept for review, hold a hearing, or make any decision upon any application pertaining to commercial solar energy facilities where such application was made or submitted after the effective date of this Local Law. Any statutory and/or locally enacted time periods for processing and making decisions (including but not limited to preliminary and/or final site plan approval or special use permit approval) are suspended and stayed while this Local Law is in effect.
- B. The Zoning Board of Appeals of the Town of Stephentown shall not accept for review, hold a hearing, or make any decision upon any application pertaining to commercial solar energy facilities where such application was made or submitted after the effective date of this Local Law. Any statutory and/or locally enacted time periods for processing and making decisions (including but not limited to with respect to appeals and/or variances) are suspended and stayed while this Local Law is in effect.
- C. The Building Department of the Town of Stephentown shall not accept for review nor grant any application for a building permit or other approval pertaining to commercial

solar energy facilities where such application was made or submitted after the effective date of this Local Law provided, however, that nothing herein shall preclude the Building Department from issuing a building permit or other approval with respect to commercial solar energy facilities as to which the Planning Board has issued site plan approval and/or a special use permit

## Section 6. 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 granting of a variance would not adversely affect the health, safety, or welfare of the citizens of the Town or significantly conflict with the 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) for the processing of such application. All such applications shall be promptly 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 forty-five (45) days after the close of the public hearing.

## Section 7. 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 8. Superseding Effect

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of the New York State Town Law for the duration of this moratorium. The New York State Town Law provisions intended to be superseded include all of 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.

## Section 9. Effective Date

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

*Supervisor Roder: the two applications are able to move forward and will pause any future applicants.*

*T. Dormady: is this for commercial projects only or residential as well?*

*Supervisor Roder: Commercial only.*

*T. Dormady: asked if there have been problems.*

*Supervisor Roder: reported there are no regulations, fees for permits or anything currently for Code Enforcement to follow.*

*T. Dormady: questioned if Windmills will be included?*

*Supervisor Roder: stated that Windmills had not been thought about until now.*

*T. Dormady: are there any new projects coming?*

*Supervisor Roder: not positive on the size believes the properties are approximately 10 and 13 acres.*

*T. Dormady: are there any blueprints you are following?*

*Supervisor Roder: Schodack will be the guideline.*

*Council Clark: reported that she has a copy if anyone would like to review it.*

*T. Dormady: asked if there has been any push backs.*

*Supervisor Roder: reported there have been a few. One currently has a Zoning issue*

*A. Sicley: asked how many applications have been submitted.*

*Supervisor Roder: reported currently two applications one on Route 22 and one on West Road.*

*T. Dormady: reported concern with windmills and the problems that they can cause to the community. i.e. noise*

*Supervisor Roder: agreed, and reported that the board will start to look into this being a possibility to add to the regulations as well. The board is trying to stay ahead, reported that they are trying to work with everyone to make sure residents, future residents and applicants are happy.*

*No further comments.*

**MOTION TO ADJOURN AT 7:11 PM**

**MOTION BY: RODER**

**SECONDED BY: JENNINGS**

**VOTES OF: 5 AYE**

**0 NAY**

**\*\*A Workshop Meeting** is held every second Monday of every month at **7:00PM** at the Town Hall.

**\*\*The next Regular Meeting** of the Town Board, Town of Stephentown will be held on **Monday, October 17<sup>th</sup>, 2022** at **7:00 PM** at the Town Hall.

*Stephanie M. Hoffman*

**Town Clerk**