



GENESEE COUNTY PLANNING BOARD ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-02-ALA-6-16**

Review Date **6/16/2016**

Municipality
Board Name
Applicant's Name

ALABAMA, T.

TOWN BOARD

Town of Alabama

Referral Type
Variance(s)
Description:

Zoning Text Amendments

Zoning Text Amendments to establish a six month moratorium that prohibits Solar Farms.

Location
Zoning District

Entire Town of Alabama

All Districts

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed moratorium should pose no significant county-wide or inter-community impact. The moratorium appears to meet the intent of the municipality to have enough time to study and draft changes to their Zoning Law to protect the health, safety and welfare of the community.

Director

June 16, 2016

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901

DEPARTMENT USE ONLY:
GCDP Referral # T-02-ALA-6-16



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
MAY 17 2016
GENESEE COUNTY
DEPARTMENT OF PLANNING

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Town of Alabama
Address 2218 Judge Road
City, State, Zip Oakfield, NY 14125
Phone (585) 948 - 9341 Ext. _____

2. APPLICANT INFORMATION

Name Town of Alabama
Address 2218 Judge Road
City, State, Zip Oakfield, NY 14125
Phone (585) 948 - 9341 Ext. _____ Email dsage4@rochester.rr.com

MUNICIPALITY: City Town Village of Alabama

3. TYPE OF REFERRAL: (Check all applicable items)

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final |
| <input type="checkbox"/> Site Plan Review | <input checked="" type="checkbox"/> Other: <u>Local Law</u> | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

- A. Full Address Town Wide
B. Nearest intersecting road _____
C. Tax Map Parcel Number _____
D. Total area of the property _____ Area of property to be disturbed _____
E. Present zoning district(s) All Districts

5. REFERRAL CASE INFORMATION:

- A. Has this referral been previously reviewed by the Genesee County Planning Board?
 NO YES If yes, give date and action taken _____
- B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

- C. Please describe the nature of this request Six (6) month Solar Farm Moratorium

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|---|--|--|
| <input type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input checked="" type="checkbox"/> Other: <u>Copy of Proposed Law</u> |
| <input type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Janet Sage Title Supervisor Phone (585) 948 - 9341 Ext. _____
Address, City, State, Zip 2218 Judge Rd., Oakfield, NY 14125 Email dsage4@rochester.rr.com

LOCAL LAW NO. 2 OF 2016

TOWN OF ALABAMA SOLAR FARM MORATORIUM OF 2016

SECTION 1. PURPOSE AND INTENT

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Alabama and to maintain the status quo as to certain solar energy uses, as the present zoning regulations in the Town do not adequately address this type of use. The moratorium will stop the processing of applications for and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Alabama Zoning Code concerning this use.

SECTION 2. LEGISLATIVE FINDINGS

The Town of Alabama Town Board does hereby find that without a temporary halt on the processing, permitting, and approval for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 3. MORATORIUM IMPOSED; APPLICABILITY

For a period of time of six (6) months following the effective date of the adoption of this Local Law, no application may be processed and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to solar farms.

The term "land uses relating to solar energy" shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included with the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

The term "solar farm" shall mean "a collection of solar panels covering one-quarter (1/4) acre or more of land that are designed to capture sunlight and transform it into electricity." This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use or municipal buildings or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Alabama.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Alabama Code. During the period of the moratorium, no applications will be accepted nor permits, certificates of occupancy or approvals issued which would authorize development within the Town for land uses relating to solar energy as described above.

SECTION 4. TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by resolutions of the Town Board.

SECTION 5. EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule or regulation.

SECTION 6. WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may but is not obligated to promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.