

**TOWN OF SKANEATELES  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing shall be held by the Town Board of the Town of Skaneateles at 7:00 p.m. on March 6, 2023 regarding the Introductory Local Law B of 2023 entitled "Local Law Imposing a Moratorium on Offsite/Community and Utility Solar Uses in the Town of Skaneateles"

An opportunity to be heard in regard to such local law will be given at the hearing to those favoring or opposing the same, as well as any comments. Communication in writing in relation thereto may be filed with the Town Board or at such hearing.

**Said Hearing** will be held on *Monday, March 6, at 7:00 p.m.* at the Skaneateles Town Hall, 24 Jordan Street, Skaneateles, NY 13152 and via Zoom at <https://us02web.zoom.us/j/86067495320>, Meeting ID: 860 6749 5320, Passcode: 035015. At that time, all persons will be heard or have an opportunity to provide written comment.

Dated: Skaneateles, New York  
February 13, 2023

Julie A. Stenger, Town Clerk  
Town of Skaneateles

**RESOLUTION  
OF THE TOWN BOARD  
OF THE TOWN OF SKANEATELES**

**March \_\_, 2023**

**WHEREAS**, Board Member \_\_\_\_\_ has introduced for consideration Local Law No. \_\_ of 2023 entitled "Adoption of the Town of Skaneateles Moratorium on Offsite/Community and Utility Solar Uses"; and

**WHEREAS**, the Town of Skaneateles (the "Town") desires to adopt a local law declaring a moratorium for three (3) months, with the right to extend the moratorium for an additional three (3) months at the Town Board's sole discretion, on applications under Article 10 of the Town of Skaneateles Zoning Law (the "Zoning Law") as such applications relate to use of the land for the construction or erection and location of Offsite/Community and Utility Solar uses (the "Proposed Local Law"); and

**WHEREAS**, the purpose of the moratorium is to allow the Town time to create and adopt a local law that addresses land use requirements for the construction or erection and location of Offsite/Community and Utility Solar uses (as herein defined); and

**WHEREAS**, the moratorium shall not apply to Offsite/Community and Utility Solar uses which have already received site plan and/or special permit approvals under Article 10 of the Zoning Law; and

**WHEREAS**, a Offsite/Community and Utility Solar uses is a use which involves the placement, construction, erection, installation, or use of a Solar Energy System for the generation of electrical power to be used primarily for the sale or distribution to, or consumption by distributors or users located off the site of such Solar Energy System; and

**WHEREAS**, a Solar Energy System is a solar photovoltaic cell, panel, or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat, air, or water, controls, energy storage devices, heat pumps, heat exchangers, and other materials hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed, and includes solar thermal, photovoltaic, and concentrated solar; and

**WHEREAS**, when reviewing a proposal for a Offsite/Community and Utility Solar use, the Town of Skaneateles Planning Board (the "Planning Board") and/or the Town of Skaneateles Zoning Board of Appeals (the "ZBA") should take into account the surrounding land uses to determine the suitability of the proposed use in a given location; and

**WHEREAS**, because of the potential impact that Offsite/Community and Utility Solar uses may have on the community character of surrounding lands and the scenic, natural and historic

character of the Town, the Planning Board and ZBA should give particular consideration to these impacts before approving such uses; and

**WHEREAS**, the Town desires to comply with the requirements of the New York State Town Law and held a duly noticed public hearing on \_\_\_\_\_, 2023 to allow the public to comment on the Proposed Local Law; and

**WHEREAS**, the Town Board has met its obligation to refer the Proposed Local Law to the Onondaga County Planning Board for its review pursuant to General Municipal Law Section 239; and

**WHEREAS**, the Town Board desires to comply with the requirements of State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth at 6 NYCRR Part 617, and Section 239 of the General Municipal Law, with respect to the Proposed Local Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby classifies the Proposed Local Law as a Type II Action under SEQRA; and

**BE IT FURTHER RESOLVED** that the Town Board hereby adopts the Town of Skaneateles Moratorium on Offsite/Community and Utility Solar Sses and it shall be effective immediately upon filing the local law with the Secretary of State; and

**BE IT FURTHER RESOLVED** that the Town Clerk shall arrange for this local law to be filed with the Secretary of State pursuant to New York State law and shall make any publications required by law.

The adoption of the foregoing Resolution was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly put to vote, which resulted as follows:

|                    |        |         |
|--------------------|--------|---------|
| Janet Aaron        | Voting | Aye/Nay |
| Courtney Alexander | Voting | Aye/Nay |
| Sue Dove           | Voting | Aye/Nay |
| Chris Legg         | Voting | Aye/Nay |
| Mark Tucker        | Voting | Aye/Nay |

The resolution was thereupon declared duly adopted.

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Town of Skaneateles  
Local Law \_\_ of the Year 2023  
Local Law Imposing a Moratorium on Offsite/Community and Utility  
Solar Uses in the Town of Skaneateles

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**Section 1. Title**

This Local Law shall be referred to as the “Local Law Imposing a Moratorium on Offsite/Community and Utility Solar Uses in the Town of Skaneateles.”

**Section 2. Purpose and Intent**

Pursuant to the statutory powers vested in the Town of Skaneateles to regulate and control land use and to protect the health, welfare, and safety of its residents, the Town Board of the Town of Skaneateles declares a three (3) month moratorium on Offsite/Community and Utility Solar uses, with the right to extend the moratorium for an additional three (3) months at the Town Board’s sole discretion. This moratorium shall pause all open applications for approvals and prevent new applicants from submitting applications to the Town of Skaneateles Planning Board or Zoning Board of Appeals. This moratorium shall not apply to Offsite/Community and Utility Solar projects that have already received site plan and/or special permit approval from the Town of Skaneateles Planning Board prior to the effective date of this local law.

**Section 3. Authority**

This Local Law is enacted pursuant to the provisions of the New York Town Law and the New York Municipal Home Rule Law.

**Section 4. Legislative Findings**

The Town Board enacts this moratorium pursuant to its legislative powers and to preserve for the Town Board on behalf of the residents of the Town, the ability to deliberately review the issues and concerns related to Offsite/Community and Utility Solar uses, and to provide adequate time to determine if permanent comprehensive local legislation is necessary and in the best interests of the Town. The Town Board is desirous of using this three-month moratorium period to study and give careful consideration to the subject of Offsite/Community and Utility Solar uses, their impact on the physical and human environment in the Town, visual impacts, community character, and the scenic, natural and historic character of the Town, and the possible need for additional local regulation.

The Town shall consider enacting a new law to regulate Offsite/Community and Utility Solar uses. The Town Board preliminarily finds that when reviewing a proposal for an Offsite/Community or Utility Solar project, the Planning Board and/or Zoning Board of Appeals should take into account the surrounding land uses to determine the suitability of the proposed use in a given location,

giving particular consideration to the proposed use's impact on nearby residential uses, community character and the scenic, natural and historic character of the Town. Where the proposed use may involve potentially significant visual impacts or impacts on community character, the Planning Board should impose additional setback and buffer requirements to minimize such impacts. If such impacts cannot be adequately mitigated or avoided, the Planning Board should not approve the proposed use. The Town Board shall also consider changes to the law to impose additional spacing requirements between projects, glare, noise, stormwater impacts, interconnection and any other concern or suggestion raised by the public.

### **Section 5. Scope of Moratorium**

During the effective period of this Local Law, no person shall be permitted to submit a new application to the Planning Board or the Zoning Board of Appeals seeking a special use permit, site plan approval or variance in connection with any Offsite/Community and Utility Solar use. Any application that has already been submitted to the Planning Board or Zoning Board of Appeals at the time of the effective date of this moratorium shall be paused until the moratorium is lifted by the Town Board. Any project that has already obtain site plan approval and a special permit may proceed and will not be impacted by this moratorium.

### **Section 6. Term**

This moratorium shall be in effect for a period of three (3) months from the effective date; provided, however, that the Town Board shall have the right to extend the moratorium for an additional three (3) months.

### **Section 7. Penalties and Enforcement**

Any person, firm, corporation or other entity that shall violate the terms of this moratorium in violation of the provisions of this Local Law shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to a fine not exceeding \$250, or to imprisonment, for each and every violation. Each week and every week that such violation continues shall constitute a separate violation. In no event may imprisonment for any one violation exceed 15 days. In addition to other penalties, the Town of Skaneateles may institute any appropriate action or proceeding to prevent the violation of the requirements of this moratorium.

### **Section 8. Validity**

The invalidity of any provision of this Local Law shall not affect the validity of any other provision which may be given effect without such invalid provision.

### **Section 9. Hardship**

A. In the event that any owner of real property affected by this Local Law shall suffer an unnecessary hardship because of the implementation of the letter of this Local Law, then the owner of such property may make a written application to the Town Board for a variance from strict compliance with this Local Law. Unnecessary hardship shall not mean a mere delay in

being able to pursue an Offsite/Community and Utility Solar use or to be able to apply for and receive a decision upon any permit or approval of any kind related thereto.

B. Applications for a variance shall be in writing and shall set forth or have attached thereto evidence of the claimed hardship. The Town Board shall schedule a public hearing on any such application within thirty (30) days of its receipt upon at least five (5) days' notice by publication in the Town's official newspaper and posting on the Town Clerk's board. At said public hearing, the property owner and other interested parties shall be heard and given the opportunity to present evidence in connection with the application. The Town Board shall render a decision in writing within thirty (30) days of the public hearing. If the Town Board determines that the property owner will suffer an unnecessary hardship by means of the strict application of this Local Law, then the Town Board will grant the minimum variance necessary to afford relief to the applicant.

## **Section 10. Definitions**

A. "Off-site — Community System": solar collectors producing electric power via a public utility network primarily to off-site end-users (such as individual residential dwellings or businesses).

B. "Utility Facility": solar collectors operated by a public utility located on land primarily used to produce and transmit electric power for general off-site energy consumption. A public utility is an entity which operates as a monopoly, and whose rate charges to customers are established by NYS Public Service Commission.

C. The term "Solar Energy System" shall mean solar photovoltaic cell, panel, or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat, air, or water, controls, energy storage devices, heat pumps, heat exchangers, and other materials hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed, and includes solar thermal, photovoltaic, and concentrated solar.

D. The term "Town" shall mean the Town of Skaneateles, New York.

E. The terms "Town Board", "Planning Board" and "Zoning Board of Appeals" shall refer to the appropriate boards established in the Town of Skaneateles pursuant to the Town Law. The term "Codes Enforcement Officer" shall mean the duly appointed officer in the Town of Skaneateles charged with the enforcement of the Town's zoning and related codes.

## **10. State Environmental Quality Review Act (SEQRA)**

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. Therefore, no further review is required under SEQRA.

## **11. Effective Date**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.