

LOCAL LAW NO. 3 OF THE YEAR 2018

A Local Law entitled “Village of East Nassau Nine-Month Moratorium on Certain Solar Energy Installations”

A local law establishing a nine-month moratorium on certain solar energy installations in the Village of East Nassau.

Be it enacted by the Board of Trustees of the Village of East Nassau as follows:

Section 1. Legislative Findings.

The Village Board understands that solar energy is an important source of sustainable energy that has many benefits and should be encouraged where appropriate. The Village has approved many solar energy installations that generate electricity for the electric power needs of the residential properties on which the installations were located.

The Village Board finds that for larger scale systems which are designed to generate electricity to be marketed, sold or used off-site, there are safety issues as well as environmental issues, particularly aesthetic impacts, that could have a potential detrimental effect on Village residents and the Village’s community character. The Village Board also finds that the current Village Zoning Law does not address solar energy installations and especially large-scale solar energy installations. It is necessary for the protection of the health, safety and welfare of the residents of the Village that the Village Board have the opportunity to study, develop and enact regulatory provisions under the Village’s Zoning Law for solar energy installations other than those for supplying power only to the buildings located on the site of the installations. The Village Board further finds that in order to protect against the potential detrimental impacts that such installations may cause on the character of the Village’s community and the public safety of its residents, it is necessary and appropriate to adopt a short-term moratorium on certain solar energy installations in the Village of East Nassau pending the development and enactment of further zoning regulations with respect to the same.

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Village Board of the Village of East Nassau to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board hereby declares a nine (9) month moratorium on the acceptance of applications, the processing or the issuance of approvals or permits for any solar energy installation or facility within the Village of East Nassau other than those that are designed to primarily supply power only to the buildings and structures located on the same site as the solar energy installation or facility.

It is the intent of the Village Board to review the Village’s current zoning regulations and the issues involved with the installation and siting of solar energy facilities and to study and develop amendments to such regulations or new regulations as needed in order to promote and process

solar energy installations and facilities that are appropriate for the Village of Nassau and that are consistent with the Village's policies. The purpose of this local law is to prohibit temporarily the acceptance, processing or approval of any application for a permit or approval to install certain solar energy facilities in order to allow a reasonable time for the Village to analyze and enact legislation to appropriately address solar energy installations as a land use in the Village.

Section 3. Moratorium.

For a period of nine (9) months immediately following the effective date of this local law, there is hereby imposed a moratorium on the installation of solar energy systems and facilities in the Village of East Nassau, with the exception of:

- a. Roof mounted solar energy panels, equipment and/or systems installed for the primary purpose of producing electricity for on-site residential or business consumption; and
- b. Ground mounted solar energy panels, equipment and/or systems installed for the primary purpose of producing electricity for on-site residential consumption.

During the term of this moratorium, no applications will be accepted and no processing, review, actions, permits or approvals shall be commenced, undertaken, made or issued by any board, department, or official of the Village of East Nassau with respect to solar energy panels, equipment, installations and/or systems, except as exempted above. This moratorium shall apply to all such applications, whether pending or received prior to the effective date of this local law.

Section 4. Enforcement.

This local law shall be enforced by the Code Enforcement Officer of the Village pursuant to Article IX of the Zoning Law of the Village of East Nassau (Local Law No.1 of 2010).

Section 5. Supersession.

To the extent that this local law is inconsistent with any State statute or regulation, it is the intent of this local law to supersede any such statute or regulation.

Section 6. Severability.

Should any section or provision of this local law be declared null, void, voidable or invalid, by a court of competent jurisdiction, such declaration or finding shall not effect the remaining sections or provisions of this local law.

Section 7. Effective Date and Term.

This local law shall take effect immediately upon its filing with the Secretary of State and shall remain effective until the first of the following occurs: (a) the repeal of this local law; (b) the enactment by the Village Board of a local law containing regulations that govern solar energy installations other than those exempted herein; or (c) the date nine (9) months from the effective date of this local law, unless otherwise extended or amended by the Village Board.

End of Law