

TOWN BOARD
TOWN OF GERMANTOWN
COLUMBIA COUNTY, NEW YORK

Local Law No. D of 2023

**A LOCAL LAW ESTABLISHING A THREE MONTH MORATORIUM ON TIER 3
SOLAR ENERGY SYSTEMS**

BE IT ENACTED by the Town Board of the Town of Germantown as follows:

SECTION 1. TITLE.

This Local Law shall be entitled “A Local Law Establishing a Three Month Moratorium on Tier 3 Solar Energy Systems.”

SECTION 2. PURPOSE AND INTENT.

This Local Law is intended to temporarily cease the processing of applications for, and the issuance of any permits, site plan approvals, or certificates of occupancy/certificates of compliance for Tier 3 Solar Energy Systems (as defined in Article VI, Section BB of the Zoning and Subdivision Law for the Town of Germantown) within the Town of Germantown for a period of three (3) months. During the term of the moratorium, the Town Board shall consider whether to amend Article VI, Section BB of the Zoning and Subdivision Law for the Town of Germantown concerning Tier 3 Solar Energy Systems to ensure the regulations as written properly reflect the Town Board’s intent in harmoniously integrating such systems with the existing residential and agricultural community and landscape. This moratorium is necessary to provide the Town Board time to assess the current regulatory framework relating to Tier 3 Solar Energy Systems and amend the Zoning and Subdivision Law, if necessary, to properly regulate such systems to protect the public health, safety, and welfare of the residents of the Town of Germantown.

SECTION 3. AUTHORITY.

This Local Law is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York).

SECTION 4. SCOPE.

For a period of three (3) months, beginning on the effective date and continuing for three (3) consecutive months thereafter, no application may be accepted, processed, or reviewed and no permits, site plan approvals, or certificates of occupancy/certificates of compliance may be issued or granted for any Tier 3 Solar Energy System. “Tier 3 Solar Energy System” shall be defined as in Article VI, Section BB of the Zoning and Subdivision Law for the Town of Germantown:

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar

Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows:

- a. Tier 1 Solar Energy Systems include the following:
 - Roof-Mounted Solar Energy Systems
 - Building-Integrated Solar Energy Systems
- b. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110 % of the electricity consumed on the site over the previous 12 months.
- c. Tier 3 Solar Energy Systems include all Solar Energy Systems which are not Tier 1 or Tier 2.

This moratorium shall not apply to Tier 1 or Tier 2 Solar Energy Systems.

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

SECTION 5. TERM.

This moratorium shall be in effect for a period of three (3) months, beginning on the effective date and continuing for three (3) consecutive months thereafter.

SECTION 6. EFFECT ON OTHER LAWS.

To the extent that any laws, ordinances, rules, regulations, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the Town Law of the State of New York concerning site plan review and issuance of licenses, permits, and certificates of occupancy, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

SECTION 7. HARDSHIP WAIVER.

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

SECTION 8. PENALTIES.

In the event of violation of this Local Law, the methods of enforcement and penalties shall be those listed in Article XV, Section D of the Zoning and Subdivision Law for the Town of

Germantown.

SECTION 9. SEVERABILITY.

If any section, provision or part thereof of this Local Law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of this Local Law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

SECTION 10. WHEN EFFECTIVE.

This local law shall take effect immediately upon filing with the Secretary of State.