

TOWN OF DOVER

LOCAL LAW NO. 1 OF THE YEAR 2022 IMPOSING A TEMPORARY TOWN-WIDE MORATORIUM ON THE APPROVAL AND INSTALLATION OF FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEMS

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

SECTION 1: **TITLE**

This local law shall be known and cited as the Town of Dover Local Law No. 1 of 2022 entitled “A Local Law Imposing a Temporary Town-Wide Moratorium on the Approval and Installation or Ground-Mounted Solar Energy Systems.

SECTION 2. **PURPOSE AND INTENT.**

- A. The Town of Dover Zoning Law contains no supplementary regulations or other provisions regulating the installation and approval of Freestanding or Ground-Mounted Solar Energy Systems within the Town (collectively “solar energy systems”).
- B. It is in the public interest to provide for and encourage renewal energy systems and a sustainable quality of life. It is the intention of the Town Board to amend the Zoning Law to provide for regulations for the commercial approval of solar energy systems in the Town where appropriate and where approved.
- C. It is the intention of the Dover Town Board in enacting this Local Law to temporarily suspend any improvements or installations for such solar energy systems, as defined in Section 4 herein, by the imposition of a temporary moratorium on the issuance of any permits and approvals for such installations for a period of one-hundred eighty (180) day moratorium, if necessary.
- D. The purpose of this temporary moratorium is to enable the Town of Dover to adopt appropriate amendments to its Zoning Law to regulate solar energy systems within the Town.

SECTION 3. **MORATORIUM PROVISIONS.**

- A. The Town Board hereby finds that pending the completion of the necessary studies, meetings, hearings, environmental review and other actions necessary and incident to the proper consideration and adoption of local law amendments to the Town of Dover Zoning Law regulating the installation of solar energy systems within the Town, reasonable measures must be taken to maintain the status quo in order to protect the public interest and ensure that proper regulations of the installation and approval of solar energy systems.

- B. During the effective period of this Local Law any extensions thereto the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Zoning Administration shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the installation of any solar energy systems, including but not limited to any application for a site plan, special use permit, area variance or interpretation in connection with the permitting of a solar energy system.
- C. The moratorium shall apply to all future applications for the installation of such solar energy systems submitted during the effective date of this local law. Any current active or pending applications submitted to the Town of Dover Planning Board before the effective date of this Local Law may proceed with the approval process, although such process will be at the applicant's own risk as such projects may ultimately be subject to any new solar energy regulations adopted by the Town.

SECTION 4. DEFINITIONS.

- A. Freestanding or Ground-Mounted Solar Energy Systems: A solar energy system that is directly installed in or on the ground and is not attached or affixed to an existing structure.

SECTION 5. HARDSHIP PROVISION.

- A. Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Dover in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship that shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.
- B. Procedure.
 - 1. Upon submission of a written application to the Town Clerk by the property owner seeking a waiver from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days' written notice in the official newspaper of the Town. Notice of said hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.
 - 2. At said public hearing, the property owners and any other parties wishing to present evidence with regards to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said public hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.

3. If the Town Board determines that the property owner will suffer an unnecessary hardship of the Local Law is strictly applied to a particular property, then the Town Board shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

SECTION 6. PENALTIES FOR OFFENSES.

Any person, firm, entity or corporation that shall construct, erect, enlarge or alter any building or structure, in violation of the provisions of this Local Law or shall violate any of the provisions of this Local Law shall be guilty of a violation or subject to a fine of not less than \$350.00 or more than \$1,000.00. Each day that the violation continues shall be a separate offense.

SECTION 7. CONFLICTING LAW SUPERSEDED.

All local laws, ordinances, or parts of local laws or ordinance, of the Town of Dover that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium.

SECTION 8. SUPERSESION OF THE TOWN LAW.

This Local Law is hereby adopted pursuant to Municipal Home Rule Law Section 10(l)(i) and Section 10(ii)(14) and Statute of Local Governments Section 10(6) of the State of New York.

SECTION 9. SEVERABILITY.

The provisions of this Local Law are separate and if any provisions, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent to the Town Board of the Town of Dover that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempted therefrom.

SECTION 10. TERM.

This Local Law shall remain in force for a period of one-hundred eighty (180) days from its effective date. This Local Law is subject to review and renewal by the Town Board of the Town of Dover for two (2) additional ninety (90) day extensions by Town Board Resolution.

SECTION 11. EFFECTIVE DATE.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provision of §27 of the Municipal Home Rule Law.