

A LOCAL LAW EXTENDING FOR SIX (6) MONTHS
THE MORATORIUM IMPOSED BY
LOCAL LAW 1 OF 2016 IN THE TOWN OF SWEDEN

Be it enacted by the Sweden Town Board, County of Monroe, State of New York (hereinafter referred to as the Board), as follows:

SECTION 1. TITLE

This Local Law shall be referred to as the “Local Law Extending for Six (6) Months the Moratorium Imposed by Local Law 1 of 2016 of the Town of Sweden”.

SECTION 2. PURPOSE AND INTENT

Pursuant to the statutory powers vested in the Town of Sweden (hereinafter referred to as the Town) to regulate and control land use and to protect the health, safety and welfare of its residents, the Board hereby extends for an additional six (6) months the moratorium contained in Local Law 1 of 2016 previously passed by the Board effective November 22, 2016, on the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects. It is further purpose of this Local Law to enable the Town to prevent the construction or erection of solar power farms and/or commercial solar power projects for a reasonable period of time to allow the Board to contemplate and/or enact Local Laws regulating same in the Town. The Board is desirous of addressing, in a carefully contemplated manner, the establishment, placement, construction, erection and/or implementation of same on a comprehensive town wide basis, rather than on an ad hoc basis, and to adopt relevant regulations and/or provisions relating to same.

SECTION 3. SCOPE OF CONTROLS

During the effective period of this Local Law:

1. The Board of the Town will not grant any approvals that would have as the result the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Town.
2. The Town of Sweden Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Town.
3. The Town of Sweden Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Town.
4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Town. The Board of the Town reserves the right to direct the Town of Sweden Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

SECTION 4. NO CONSIDERATION OF NEW APPLICATIONS

No application affected by this Local Law and/or for approvals for a site plan, subdivision, variance, special use permit or other permit shall be considered by any Board Officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

SECTION 5. TERM

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. This Local Law shall expire six (6) months from the effective date of this Local Law as more specifically discussed herein below. This moratorium shall only apply to solar power farms and/or commercial solar power projects of an industrial scale encompassing more than one half (1/2) acre of land area and is not intended to apply to residential scale installations on or around homes designed to offset energy demands from the premises on which same is installed.

SECTION 6. PENALTIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any solar power farms and/or commercial solar power projects in violation of the provisions of this Local Law in violation of the provisions of this Local Law shall be subject to:

A. All penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town of Sweden for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

SECTION 7. VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without said invalid provision.

SECTION 8. HARDSHIP

A. Should any owner of property affected by this Local Law suffer an 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 Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of said unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Sweden Town Clerk by the property owner seeking a variation of this Local Law, the Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon a five (5) day written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and

the Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. In the event that the Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Board shall vary 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 9. EFFECTIVE DATE

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with Municipal Home Rule Law Section 27.