

6:30 Public Hearing on Local Law 1 of 2022 to Impose a Moratorium on the Processing of Applications for, and the Issuance of any Permits, Certificates of Occupancy and Approvals for Certain Land Uses Relating to Solar Energy, Including but not Limited to Solar Farms

**AGENDA
TOWN OF NEW BALTIMORE, COUNTY OF GREENE
TOWN BOARD REGULAR MEETING**

JANUARY 24, 2022

Please turn off all cell phones and electronic devices.

Reports

Supervisor

- Resolution to Adopt Local Law 1 of 2022 to Impose a Moratorium on the Processing of Applications for, and the Issuance of any Permits, Certificates of Occupancy and Approvals for Certain Land Uses Relating to Solar Energy, Including but not Limited to Solar Farms

County Legislator

Town Clerk

- January 10, 2022 Town Board Regular Meeting

Historian

Agriculture/AgFest (Chair Boehlke/Member Irving)

Animal Control (Chair Irving, Member Ruso)

Assessment (Chair VanEtten/Member Ruso)

Audit and Budget (Chair Ruso/Member Downes)

Buildings & Grounds/Recycling (Chair Irving/Member Boehlke)

Building Inspector/Code Enforcement Officer (Chair Downes/Member Ruso)

Fire, EMS & Law Enforcement (Chair Dellisanti/Member Downes)

Grants/Promotions/Economic Development (Chair VanEtten/Member Ruso)

Greene County Planning Board (Boehlke)

- Resolution to Place Advertisement for Member of Greene County Planning Board

Highway (Chair Ruso/Member Downes)

Insurance (Chair Ruso/Member Downes)

Personnel (Chair Ruso/Member VanEtten)

Planning Board/Zoning Board of Appeals (Chair Boehlke/Member Irving)

Seniors (Chair VanEtten/Member Downes)

Technology/Website (Chair Downes/Member Boehlke)

Town Courts (Chair VanEtten/Member Ruso)

Veterans and Memorials (Chair VanEtten/Member Irving)

Wastewater Treatment (Chair Irving/Member Boehlke)

Youth, Parks and Recreation (Chair VanEtten/Member Boehlke)

Upcoming Meetings

- February 2, 2022 Zoning Board of Appeals Meeting (If Needed)
- February 10, 2022 Planning Board Meeting at 7 PM
- February 14, 2022 Town Board Regular Meeting at 7 PM
- February 21, 2022 Town Offices Closed for President's Day
- February 28, 2022 Town Board Work Meeting at 7 PM

Public Comment Period/Community Events

Audit of Claims

Adjournment

****** Agenda Subject to Change******

GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS

1. The Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall be the acting Supervisor. In the event both the Supervisor and the Deputy Supervisor are absent, the other members shall designate one of their members to act as temporary chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. Town residents who wish to speak shall fill out a card at the entrances of the meeting room listing their name, contact information, and the subject matter in which they would like to speak. These cards will be collected prior to the beginning of the Town Board meeting and given to the Town Supervisor or Deputy Supervisor in the absence of the Supervisor.
3. Speakers must be recognized by the presiding officer and then proceed to the lectern and state their name and address. They must limit their remarks on official town business to up to three minutes on a given topic and may not yield any remaining time to another speaker. They must address their remarks to the Board as a body and not to any member thereof and not to other members of the audience in the form of a debate.
4. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents, or others. All speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste with no cursing, swearing, clapping, booing, finger pointing, bullying, whispering, or talking that disrupts the proceedings of the business of the Town Board.
5. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. The Town Supervisor, or in their absence the Deputy Supervisor, shall ensure compliance with these rules.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 44-2022

JANUARY 24, 2022

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION TO ADOPT LOCAL LAW 1 OF 2022

TO IMPOSE A MORATORIUM ON THE PROCESSING OF APPLICATIONS FOR, AND THE ISSUANCE OF ANY PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR CERTAIN LAND USES RELATING TO SOLAR ENERGY, INCLUDING BUT NOT LIMITED TO SOLAR FARMS

LOCAL LAW 1 OF 2022

A LOCAL LAW TO IMPOSE A MORATORIUM ON THE PROCESSING OF APPLICATIONS FOR, AND THE ISSUANCE OF ANY PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR CERTAIN LAND USES RELATING TO SOLAR ENERGY, INCLUDING BUT NOT LIMITED TO SOLAR FARMS

SECTION 1. PURPOSE AND INTENT

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of New Baltimore and to maintain the status quo as to certain solar energy uses, as the present zoning regulations in the Town do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of New Baltimore Zoning Code concerning this use.

SECTION 2. LEGISLATIVE FINDINGS

The Town of New Baltimore Town Board does hereby find that without a temporary halt on the processing, permitting, and approvals for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Town. By maintaining the status quo regarding such uses the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 3. MORATORIUM IMPOSED; APPLICABILITY

For a period of time of six (6) months following the effective date of the adoption of this Local Law no application may be processed, and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to solar farms.

The term "land uses relating to solar energy" shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included

within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

The term "solar farm" shall mean "a collection of solar panels covering one-quarter (1/4) acres or more of land that are designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use, or municipal buildings, or existing panels mounted on commercial or industrial buildings.

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

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of New Baltimore Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for land uses relating to solar energy as described above.

SECTION 4. TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

SECTION 5. EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

SECTION 6. WAIVER

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

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 45-2022
JANUARY 24, 2022**

**RESOLUTION TO PLACE ADVERTISEMENT FOR MEMBER OF
GREENE COUNTY PLANNING BOARD**

WHEREAS the term of office for the Town of New Baltimore's representative on the Greene County Planning Board will expire on March 15, 2022.

RESOLVED that the Town Clerk will place the following advertisement, approved by the Attorney for the Town, in *The Daily Mail*.

The Town of New Baltimore is seeking one applicant for the Town's representative on the Greene County Planning Board. Please send letter of interest outlining experience to Supervisor Jeff Ruso, 3809 County Route 51, Hannacroix, NY 12087, jruso@townofnewbaltimore.org, or call (518)756-6671, ext. 7 for information by February 10.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 46-2022
JANUARY 24, 2022**

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

WHEREAS the Town Clerk has presented claims to the Town Board for audit and review, and

WHEREAS the Town Board has audited claims 2022b-01-01 to 2022b-01-, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2022b-01-01 to 2022b-01-.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until February 28, 2022.