

**TOWN OF CHAUTAUQUA
LOCAL LAW NO. 5 FOR THE YEAR 2023**

A LOCAL LAW TO EXTEND THE MORATORIUM ON SOLAR ENERGY SYSTEMS

Be it enacted by the Town Board of the Town of Chautauqua as follows:

Section 1. Title.

This Local Law shall be referred to as the “Local Law to Extend the Moratorium on Solar Energy Systems in the Town of Chautauqua”.

Section 2. Purpose and Intent.

By Local Law No. 1 of 2023, the Town Board of the Town of Chautauqua enacted a moratorium on the processing and approval of new applications for solar energy systems that lasted through September 1, 2023,

The Town Board is undertaking a comprehensive review of the Town Zoning Law relating to Solar Energy Systems, and the Town Board’s desires to complete its review of the Zoning Law free from any pressure or concerns related to timing concerns raised by the expiration of the moratorium. It is anticipated the Town Board will need additional time to complete this process, the related environmental review, and the required procedure for the adoption of a local law. Accordingly, the Town Board desires to extend the current moratorium for an additional six (6) month period, or to March 1, 2024.

The Town Board finds that pursuant to 6 N.Y.C.R.R. 617.5(c)(30) the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”) which has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Article 8 of the Environmental Conservation Law and is therefore not subject to review under 6 N.Y.C.R.R. Part 617 or the Environmental Conservation Law.

Section 3. Moratorium; Extended Term.

A. Local Law No. 1 of 2023, imposing a moratorium on the on the review and approval of Solar Energy Systems in the Town of Chautauqua shall be extended for a six (6) month period of time through March 1, 2024.

B. Except as otherwise amended herein, all provisions of Local Law No. 1 of 2023, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for a six (6) month period of time through March 1, 2024.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section 5. Suspension and Supersession of Other Laws.

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through July 31, 2021. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Chautauqua with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.