

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER BURKE, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCILMEMBER JENDROWSKI, TO WIT:

WHEREAS, by Local Law number 4 of the year 2017, the Town of Newstead adopted Chapter 180 of its Town Code to regulate Alternate Energy Production in the Town of Newstead; and

WHEREAS, by Local Law number 8 of the year 2021, the Town of Newstead amended in its entirety Chapter 180 of its Town Code; and

WHEREAS, the Town of Newstead has seen an increased interest in potential solar projects within the Town; and

WHEREAS, the Town Board in consultation with the Code Enforcement Officer believes that further amendments, revisions, and additions to Chapter 180 of the Town's Code may be necessary to protect the health, safety, and welfare of the residents of the Town of Newstead, to review property-tax implications for residents and business owners, and to maintain status quo for certain energy uses; and

WHEREAS, the Town Board believes that it is in the best interest of the Town of Newstead to impose a moratorium on the review of applications for and construction and installation of new solar projects within the Town until such time as the Town has the opportunity to review Chapter 180 of the Town's Code and make amendments, revisions, and additions as it determines necessary; and

WHEREAS, Supervisor Izydorczak introduced the following proposed "Local Law No. 3 of the Year 2023," entitled "Amendment to the Code of the Town of Newstead Placing a Six Month Moratorium on the Application for and Construction and Installation of Solar Farms/Projects within the Town" and presented a copy to each member of the Board which is annexed hereto and made a part hereof:

A Local Law known as Local Law No. 3 of the Year 2023 entitled "Amendment to the Code of the Town of Newstead Placing a Six Month Moratorium on the Application for and Construction and Installation of Solar Farms/Projects within the Town".

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

SECTION 1. TITLE

This Law shall be known as Local Law No. 3 of the Year 2023 entitled "Amendment to the Code of the Town of Newstead Placing a Six Month Moratorium on the Application for and Construction and Installation of Solar Farms/Projects within the Town".

SECTION 2. PURPOSE

The Town of Newstead has received increased interest in the construction and installation of solar projects within the Town of Newstead. This interest was unanticipated at the time Chapter 180 was adopted, then later amended. As such, the Town Board has determined that it would be in the best interest of the Town and its residents that the Town adopt a six month moratorium on the review and approval of permits/applications for construction and installation of solar farms and other solar installations with the exception of roof mounted residential solar panels designed to provide energy for a single residential unit within the Town to allow the Town time to review potential concerns and to enact appropriate additions, revisions, and amendments to the law governing such review, construction, and installation to ensure that such solar farms and other solar installations do not adversely impact neighboring properties, to review tax considerations, and to promote and preserve the welfare of the residents of the Town of Newstead.

SECTION 3. AMENDMENT OF PRIOR LAW

1. Chapter 180 of the Code of the Town of Newstead originally adopted on August 14, 2017 by Local Law No. 4 of the Year 2017 and amended in its entirety on October 12, 2021 by Local Law No. 8 of the year 2021 is further amended to add a new Section 180-14 which shall read as follows;

"For the period commencing on the effective date of this Local Law No. 3 of the Year 2023 and for six months thereafter, there shall be a moratorium on the processing of applications and review and approval of permits for the construction and installation of solar farms and other solar installations within the Town of Newstead. This provision shall not be applicable to the installation of roof mounted residential solar panels designed to serve an individual residential property."

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase, or portion thereof of this local law is

for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State and shall remain in place for a six month period commencing with its effective date. This six month period may be extended by the Town Board by the adoption of a resolution for that purpose.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:25 p.m. on the 10th day of July, 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 3 of the Year 2023; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to: (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 3 of the Year 2023, entitled "Amendment to the Code of the Town of Newstead Placing a Six Month Moratorium on the Application for an Construction and Installation of Solar Farms/Projects within the Town", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to roll call vote at a regular meeting of the Town Board on June 26, 2023, the results of which were as follows:

Councilmember	Burke	Aye
Councilmember	Pope	Aye
Councilmember	Jendrowski	Aye
Councilmember	Dugan	Absent
Supervisor	Izydorzak	Aye

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on June 16, 2023, for adoption a proposed Local Law to be known as "Local Law No. 3 of the Year 2023" entitled "Amendment to the Code of the Town of Newstead Placing a Six Month Moratorium on the Application for and Construction and Installation of Solar Farms/Projects within the Town". The proposed Local Law will place a moratorium on the processing of applications and review and approval of permits for the construction and installation of solar farms and other solar installations within the Town with the exception of residential roof mounted solar panels designed to serve an individual residential property to allow the Town time to review and amend as necessary its local law related to the construction and installation of such solar farms and other solar installations to ensure that such solar farms and other solar installations do not adversely impact neighboring properties and to promote and preserve the welfare of the Town of Newstead and its citizens. The moratorium will apply to applications submitted after the effective date of this local law and for six months thereafter and may be extended by resolution of the Town Board adopted for such purpose.

THEREFORE, pursuant to the Municipal Home Rule Law and Local Law No. 3 of the Year 2023, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:25 p.m. on the 10th day of July, 2023 at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheel chair accessible. Those needing special arrangements or wishing to appear virtually should call the Town Hall at 542-4573 by July 6, 2023.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

Dated: June 26, 2023

RESOLUTION ADOPTING
DETERMINATION OF NON-SIGNIFICANCE
OF LOCAL LAW

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law placing a six month moratorium on the review and approval of permits for construction and installation of solar farms within the Town of Newstead; and

WHEREAS, the proposed action appears to be a Type II action pursuant to the Rules and Regulations of the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQR Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the proposed action is a Type II action under SEQR and by its nature will not have a significant effect on the environment and that no further action is required by the Town Board under SEQR.

The question of the adoption of the foregoing negative declaration was duly put to a roll call vote at a regular meeting of the Town Board on June 26, 2023, the results of which were as follows:

Councilmember	Burke	Aye
Councilmember	Pope	Aye
Councilmember	Jendrowski	Aye
Councilmember	Dugan	Absent
Supervisor	Izydorczak	Aye

COUNCILMEMBER JENDROWSKI MOVED THE ADOPTION
OF THE FOLLOWING LOCAL LAW NO. 3 OF THE YEAR 2023,
SECONDED BY COUNCILMEMBER DUGAN

WHEREAS, the Town Board of the Town of Newstead is seeking to update its Local Law regarding Alternate Energy Production in the Town of Newstead to place a six-month moratorium on certain solar projects in the Town to allow the Town Board time to consider amendments, revisions, and additions to Chapter 180 of the Town's Code; and

WHEREAS, a public hearing was held on July 10, 2023 at which time interested persons were heard; and

WHEREAS, the Town Board previously determined that the proposed action would not have a significant impact on the environment and a determination of non-significance was adopted; and

NOW, THEREFORE, BE IT

RESOLVED, that the following local law as set forth fully below is hereby adopted:

A Local Law known as Local Law No. 3 of the Year 2023 entitled "Amendment to the Code of the Town of Newstead Placing a Six-Month Moratorium on the Application for and Construction and Installation of Solar Farms/Projects within the Town".

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

SECTION 1. TITLE

This Law shall be known as Local Law No. 3 of the Year 2023 entitled "Amendment to the Code of the Town of Newstead Placing a Six-Month Moratorium on the Application for and Construction and Installation of Solar Farms/Projects within the Town".

SECTION 2. PURPOSE

The Town of Newstead has received increased interest in the construction and installation of solar projects within the Town of Newstead. This interest was unanticipated at the time Chapter 180 was adopted, then later amended. As such, the Town Board has determined that it would be in the best interest of the Town and its residents that the Town adopt a six month moratorium on the review and approval of permits/applications for construction and installation of solar farms and other solar installations with the exception of roof mounted residential solar panels designed to provide energy for a single residential unit within the Town to allow the Town time to review potential concerns and to enact appropriate additions, revisions, and amendments to the law governing such review, construction, and installation to ensure that such solar farms and other solar installations do not adversely impact neighboring properties, to review tax considerations, and to promote and preserve the welfare of the residents of the Town of Newstead.

SECTION 3. AMENDMENT OF PRIOR LAW

1. Chapter 180 of the Code of the Town of Newstead originally adopted on August 14, 2017 by Local Law No. 4 of the Year 2017 and amended in its entirety on October 12, 2021 by Local Law No. 8 of the year 2021 is further amended to add a new Section 180-14 which shall read as follows;

"For the period commencing on the effective date of this Local Law No. 3 of the Year 2023 and for six months thereafter, there shall be a moratorium on the processing of applications and review and approval of permits for the construction and installation of solar farms and other solar installations within the Town of Newstead. This provision shall not be applicable to the installation of roof mounted residential solar panels designed to serve an individual residential property."

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase, or portion thereof of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State and shall remain in place for a six-month period commencing with its effective date. This six-month period may be extended by the Town Board by the adoption of a resolution for that purpose.

The above local law was duly put to a roll call vote at a regular meeting of the Town Board held on July 10, 2023, the results of which were as follows:

Councilmember Dugan	Aye
Councilmember Burke	Absent
Councilmember Jendrowski	Aye
Councilmember Pope	Aye
Supervisor Izydorczak	Aye