

Town of Pierrepont

Local Law No. 3 of the year 2021

A Local Law Imposing a Six (6) Month Moratorium on Building, Development, and Construction of Wind Energy Facilities or Windmills

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

SECTION 1. TITLE.

This Local Law shall be referred to as a local law imposing a six (6) month moratorium on building, development, and construction of wind energy facilities or windmills.

SECTION 2. PURPOSE AND INTENT.

Pursuant to the statutory authorities vested in the Town of Pierrepont, County of St. Lawrence, State of New York, to regulate and control land use and to protect the health, safety, and welfare of its residents, the Town Board of the Town of Pierrepont hereby declares a six (6) month moratorium on the establishment, placement, construction, enlargement, and erection of wind energy facilities or windmills within the Town of Pierrepont.

There are currently no zoning regulations relating to wind energy facilities in the Town of Pierrepont, but the Town Board believes the regulations can be duly considered and adopted within six (6) months of the date hereof.

SECTION 3. DEFINITIONS.

Wind energy facility shall mean an electricity-generating facility, whose primary purpose is to supply electricity. This consists of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and/or facilities. Wind energy shall mean wind turbines converting the kinetic energy of moving air (wind) into mechanical power. Note that the term "wind energy" is more technically correct than simply "wind power." Windmill is a marketing term for a wind turbine. Wind turbine is a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator. Such a system

might include a nacelle, rotor, tower, pad transformer, and other appurtenant structures and/or facilities.

SECTION 4. SCOPE OF CONTROLS.

A. During the effective period of this Local Law:

(1) The Town Board of the Town of Pierrepont, or the Planning Board of the Town of Pierrepont, shall not grant any approvals that would result in the establishment, placement, construction, enlargement or erection of a wind energy facility or windmill.

(2) The Town Board of the Town of Pierrepont, or the Planning Board of the Town of Pierrepont, shall not grant any preliminary or final approval to any subdivision plat, site plan, special use permit, or other permit, that would have as a result the establishment, placement, construction, enlargement or erection of a wind energy facility or windmill within the Town of Pierrepont.

(3) The Town of Pierrepont Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of a wind energy facility or windmill within the Town of Pierrepont.

B. The Town Board of the Town of Pierrepont reserves the right to direct the Town Code Enforcement Officer to revoke or rescind any building permits issued in violation of this Local Law.

SECTION 5. NO CONSIDERATION OF NEW APPLICATIONS.

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, special use permit or other permits shall be considered by any Board officer or agency of the Town of Pierrepont while the moratorium imposed by this Local Law is in effect.

SECTION 6. TERM.

The moratorium imposed by this Local Law shall be in effect until March 28, 2022.

SECTION 7. PENALTIES.

Any person, firm, or corporation that shall establish, place, construct, enlarge, or erect any wind energy facility or windmill in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. A mandatory municipal fine in the amount of \$250.00 per day, which fine shall be paid directly to the municipality and cannot be waived by any Court, and

B. Injunctive relief in favor of the Town of Pierrepont 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 8. VALIDITY.

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

SECTION 9. 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 Town Board of the Town of Pierrepont in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For 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, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town of Pierrepont Clerk by the property owner seeking a variation of 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 of Pierrepont. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have any 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 a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town 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 10. STATE ENVIRONMENTAL QUALITY REVIEW ACT.

The enactment of a moratorium is a Type II action not subject to the State Environmental Quality Review Act (SEQR) pursuant to 6 CRR-NY 617.5(c)(36).

SECTION 11. EFFECTIVE DATE.

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

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 3 of 2021, of the Town of Pierrepont was duly passed by the Town Board on _____, 2021, in accordance with the applicable provisions of law.

Melanie J. Thomas, Clerk
Town of Pierrepont

(Seal)

STATE OF NEW YORK)
) ss:
COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Colin S. Loomis, Esq.
Town of Attorney
Town of Pierrepont

Dated: _____, 2021

LEGAL NOTICE

PLEASE TAKE NOTICE that the Town of Pierrepont will hold a public hearing on September 28, 2021, at 6:45 p.m., at the Town Hall, Pierrepont, New York, with regard to proposed Local Law No. 3 for the year 2021. The purpose of Local Law No. 3 for the year 2021 is to impose a six (6) month moratorium on building, development, and construction of wind energy facilities or windmills while the Planning Board of the Town of Pierrepont develops zoning regulations for the same.

A full copy of the text of the law is available at the Town Clerk's Office, Pierrepont, New York, for inspection during normal business hours.

Date: September __, 2021

Colin S. Loomis, Esq.
Attorney for Town of Pierrepont