

TOWN OF DEERFIELD

Local Law No. 3 of the year 2023

A Local Law to Impose a Moratorium on Wind Power Facilities

Be it enacted by the Town Board of the Town of Deerfield, as follows:

Section 1. Enactment and Title.

The Town Board of the Town of Deerfield does hereby enact the “Town of Deerfield Moratorium on Wind Power Facilities Law.” This Local Law shall impose a moratorium on applications or proceedings for, or the issuance of approvals or permits for, the construction of Wind Power Facilities, other than Residential Wind Power Facilities within the Town of Deerfield.

Section 2. Authorization, Purpose and Intent.

Pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and the statutory powers vested in the Town of Deerfield to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Deerfield hereby declares a twelve (12) month moratorium on applications or proceedings for applications for, or the issuance of approvals of permits for the construction of Wind Power Facilities within the Town of Deerfield (the “Town”).

This Moratorium will allow time for Town officials to review, clarify, amend and update the Town’s Zoning Regulations for windmills. Additionally, this moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its citizens.

The Town Board has determined that it is necessary to establish acceptable locations for Wind Power Facilities and to address other issues relating to the siting of Wind Power Facilities, including but not limited to the allowable setbacks and heights of Wind Power Generating Facilities. The Town has further determined that recent technological advances in the manufacture and construction of wind turbines render it necessary and advisable to reevaluate terms, requirements and conditions set forth in the Special Permit Regulations. The Town Board, by developing a comprehensive regulatory plan will avoid the difficulties faced by the Town with respect to the absence of regulations

relating to solar installations for which the Town Board has now adopted regulations after appointing a committee and extensively studying their installation. The Town Board desires to address, in a careful manner, the establishment, placement, construction, and development of Wind Power Facilities through a comprehensive and up-to-date review of wind energy and its effect on land use. Additionally, as was the protocol followed for a study of solar power installations, the Town Board shall appoint a committee whose members have knowledge relevant to the purpose stated in this Local Law to gather and substantiate relevant information and make recommendations to the Town and Planning Boards in furtherance of the intent and purpose of this Local Law.

Section 3. Scope of Controls.

During the effective period of this Local Law:

- A. Neither the Town Board nor the Planning Board nor the Zoning Board of Appeals shall grant any special permit or approval that will result in the establishment or construction of any Wind Power Facility (other than a Residential Wind Power Facility) within the Town.
- B. This moratorium shall supersede all relevant provisions of the New York State Town Law, the New York State Building Code, any relevant Town local law and any other applicable law, rule or regulation.
- C. The Town Board shall direct the Code Enforcement Officer to revoke or rescind any building permits or certificates of compliance issued in violation of this Local Law.

Section 4. No Consideration of New Applications.

No application for construction affected by this Local Law or for approvals for a site plan, special permit or any other permit shall be approved by any board, officer, employee or agent of the Town while the moratorium imposed by this Local Law is in effect. Any applicable board, officer, employee or agent of the Town shall have the ability to hear and consider any application during the period of the moratorium imposed by this Local Law is terminated. Nothing in this Local Law shall be construed such as to result in any default approval for any application heard or considered during the moratorium imposed by the Local Law.