

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

November 6, 2024

Town of Angelica
49 Park Circle
PO Box 338
Angelica, New York 14709

RE: Town of Angelica, Local Law 1 2024, filed on 10/31/2024

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau*
(518) 473-2492



Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

OCT 31 2024

☐ County ☐ City ☒ Town ☐ Village

(Select one.)

of Angelica

Local Law No. 1 of the year 2024

DEPARTMENT OF STATE

A local law LOCAL LAW IMPOSING SIX-MONTH MORATORIUM ON SOLAR ENERGY SYSTEMS

(Insert Title)

ENERGY STORAGE SYSTEMS, AND WIND GENERATION SYSTEMS WITHIN THE

TOWN OF ANGELICA

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village

(Select one.)

of ANGELICA as follows:

SEE ATTACHED LOCAL LAW.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the (County)(City)(Town)(Village) of ANGELICA was duly passed by the TOWN BOARD on SEPTEMBER 9 2024, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____.

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.~~

6. ~~(County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Sharon A. Presutti

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: 10/25/2024

TOWN OF ANGELICA
LOCAL LAW #_ OF THE YEAR 2024

**“LOCAL LAW IMPOSING SIX-MONTH MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS,
ENERGY STORAGE SYSTEMS, AND WIND GENERATION SYSTEMS WITHIN THE TOWN OF
ANGELICA”**

ARTICLE 1 PURPOSE AND INTENT

The following is a law duly adopted by the Town Board of the Town of Angelica, Allegany County, New York, on September __, 2024:

Pursuant to the statutory powers vested in the Town of Angelica by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a six (6) month moratorium of any application related to the construction, establishment, or creation of any solar project, except Tier 1 facilities for onsite consumption.

This local law is intended to impose a moratorium to prohibit the creation of any Community Solar Energy Systems, Commercial Solar Energy Systems, and Commercial Energy Storage Systems, within the Town of Angelica for a period of one hundred and eighty (180) days, pending the development and addition of a Renewable Energy Section to the Town’s current Comprehensive Plan which is in the process of being revised and updated, as well as considering adopting land use laws and regulations and the creation of a Planning Board.

The objective of this moratorium is to allow the Town of Angelica to assess and address its Code to promote community planning values by properly regulating future community and commercial scale solar installations, commercial energy storage systems, and commercial wind generation systems to the extent permitted by law. During the time of the moratorium, the Town Board will consider how best to permit such installations with regards to maintaining the character of the agricultural community and landscape. Permitting development during the moratorium would undermine the agricultural integrity and operate in contrast to the current Comprehensive Plan. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Angelica Town Code, thus protecting and furthering the public interest, health and safety.

ARTICLE 2: TEMPORARY MORATORIUM

A. There is hereby adopted in the Town of Angelica a one hundred and eighty (180) day moratorium on the consideration, receipt, or granting of land use applications, site plan approval, and zoning changes or amendments to permit the siting or creation of a “Community Solar System” “Commercial Solar Energy Systems”, “Commercial Energy Storage Systems”, and those systems classified as “Tier 1,” “Tier 2” and “Tier 3” in Local Law 2 of 2019, except as exempted in Article 1 above.

“Commercial Solar Energy Systems” are defined, for the purpose of this local law, as any devise or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for the consumption on the property on which the device or devices reside. It also includes Tier 1, Tier 2 and Tier 3 Systems as referenced in Local Law No. 2 of 2019.

“Commercial Energy Storage Systems” are defined, for the purpose of this local law, as any rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to store and provide electrical power primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders,

businesses or farmers, primarily for personal, residential and onsite use shall not be considered a Commercial Energy Storage System and shall be specifically exempted from this moratorium.

B. During the term of the moratorium the Town Board intends to develop, consider and adopt changes to comprehensive land use plan and local laws so as to regulate Commercial Solar Energy Systems, Commercial Energy Storage Systems, and Tier 1, Tier 2 and Tier 3 Systems as referenced in Local Law No. 2 of 2019. Said moratorium shall be effective as of the date set forth herein below.

C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of Angelica for the siting or creation of Commercial Solar Energy Systems, Commercial Energy Storage Systems, or Tier 1, Tier 2 and Tier 3 Systems as referenced in Local Law No. 2 of 2019, except as provided in Article 1 above.

D. This moratorium may be extended for two (2) consecutive six (6) month periods by resolution of a majority of the Town Board.

ARTICLE 3: APPLICABILITY

The provisions of this local law shall apply to all real property within the Town of Angelica, and all land use applications for the siting or creation of Commercial Solar Energy Systems, Commercial Energy Storage Systems, and or Tier 1, Tier 2 and Tier 3 Systems as referenced in Local Law No. 2 of 2019, except as provided in Article 1 above within the Town of Angelica.

ARTICLE 4: CONFLICTS

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation, or code provision.

ARTICLE 5: SEVERABILITY

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

ARTICLE 6: EFFECTIVE DATE

The effective date of this local law shall be immediate upon its filing with the Secretary of State, or upon actual submission of a copy of the adopted local law to any individual, person or applicant.

