LEGAL NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Yates, at the LA Webber Middle-High School, 25 Housel Avenue, Lyndonville, New York on Thursday, April 21, 2016, at 7:00 P.M., on the adoption of a Local Law known as The Town of Yates Moratorium on Wind Energy Facilities Law, which said Local Law provides as follows:

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 101: Enactment and Authorization

The Town Board and the Town of Yates does hereby ordain and enact the Town of Yates Moratorium on Wind Energy Facilities Law pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York.

Section 102: Title

This local law shall be known as the "Town of Yates Moratorium on Wind Energy Facilities Law of 2016."

Section 103: Purpose

a) The purpose of this Local Law is to advance the Town's constitutional and statutory obligation to protect and preserve the public health, welfare, and safety of the citizens of the Town of Yates, as well as the value, use and enjoyment of property in the Town, through the temporary prohibition of the construction or modification of Wind Energy Facilities as defined in section 591.4 of the Zoning Regulations of the Town of Yates, pending review and revisions of the Yates-Carlton-Kendall Local Waterfront Revitalization Plan, Town Comprehensive Plan, and Zoning Regulations.
b) It is the further purpose of this Local Law to prevent and avoid serious detrimental health and environmental impacts which threaten the Town of Yates by allowing degradation of its significant environmental and agricultural resources, and preserve the conscious and continuous determination by the Town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town.

c) It is the further purpose of this local law to enable the Town of Yates to prevent the construction or erection of Wind Energy Facilities as defined in Section 591.4 of the Zoning Regulations of the Town of Yates for a reasonable period of time pending the Town Board's enactment of a Yates-Carlton-Kendall Local Waterfront Revitalization Plan, amendment of the Town Comprehensive Plan, and Zoning Regulations regulating the construction of such facilities in the Town of Yates.

ARTICLE II: IMPOSITION OF MORATORIUM

Section 201: Imposition of Moratorium

After the date of filing this local law with the Department of State, no application for the construction or erection of Wind Energy Facilities, or modification for any existing facility, as defined in Section 591.4 of the Town of Yates Zoning Regulations may be filed or processed. No Board or Town official may consider, grant , or approve any application for any permit or approval, including special use permit, variance, rezoning, or building permit be accepted or processed. For the purpose of this local law, an "application" shall be deemed to mean any request for official action by the Town Board, Planning Board, Zoning Board, Code Enforcement Officer, or Building Inspector which would in any way commence or continue the process whereby Wind Energy Facilities are or may be constructed, modified, or erected. This moratorium shall be effective for one hundred eighty (180) days after the date of filing this local law with the Department of State, or until the Yates Town Board acts on all of the aforementioned amendments to Zoning Regulations, Local Waterfront Revitalization Plan, and Town Comprehensive Plan, whichever is the shorter period of time.

Section 202: Variance

An application for a variance from the terms of this moratorium may be submitted, with a $100 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Regulations of the Town of Yates. Such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

ARTICLE III: VALIDITY

Section 301: Validity

If any section, sentence, clause or phrase of this local law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this local law.

Section 302: Supersession

The requirements of Article 16 of the New York Town Law and Town Law section 267-a, b, and c, are hereby superseded in that the Town Board shall be the body to consider variance requests under this moratorium.

ARTICLE IV: EFFECTIVE DATE

Section 401: Effective Date

This local law shall take effect immediately upon filing with the Department of State.

At such Public Hearing all persons, either for or against the same, shall be heard.

Shelly Harling
Town Clerk
Town of Yates

Publish once on April 15, 2016
Send Proof of Publication to Town Hall Town of Yates
Send Bill to Town of Yates, Town Clerk