

**LOCAL LAW #4 - IMPLEMENT A MORATORIUM REGARDING THE
INSTALLATION OF SOLAR PANELS, WIND DRIVEN TURBINES AND OTHER
ALTERNATIVE ENERGY STRUCTURES**

Section One. Purpose

A. The Village of Bronxville wishes to promote the installation of solar panels, wind driven turbines and other conservation oriented energy producing structures in an environmentally sensitive manner. For the purposes of this Local Law, solar panels, wind driven turbines and other conservation oriented energy producing structures shall be collectively referred to as Alternative Energy Structure(s). The Village Board recognizes the desirability of Alternative Energy Structures and is commencing a process of study and review to determine how best to accommodate their installation while preserving the aesthetic character and environmental balance of the Village's neighborhoods. The study will also consider other issues related to Alternative Energy Structures including their structural integrity and the integrity of the structures to which they might be attached, issues of safety relating to the electricity which they produce and other environmental issues such as drainage and vegetation removal associated with the installation of these devices.

B. The Village hereby determines that, pending its completion of the appropriate studies, a moratorium on the construction of Alternative Energy Structures should be implemented in order to protect the public health, safety and welfare during a reasonable period of consideration.

Section Two. Moratorium

A. Notwithstanding any other provision of law to the contrary, for a period of 180 days from the effective date of this Local Law, no application for a building permit for the construction or installation of an Alternative Energy Structure shall be accepted or processed by the Village Building Inspector/Engineer/Superintendent of Buildings.

Section Three. Appeals/Variances

A. The Village Board will act as hearing officer for appeals to avoid or minimize any inequities or hardships which may derive from the strict application of the moratorium provided for in Section Two above. Any person, firm or corporation who may be aggrieved by any provision of this Local Law shall have the right to appeal to the Village Board, as follows:

1. An application shall be submitted in writing setting forth 1) the reasons for the appeal, 2) the specific hardship suffered by the applicant as a result of the implementation of this Local Law, 3) the manner in which a variance from the provisions of this Local Law will affect the health, safety and welfare of the residents of the Village. The application must contain all materials typically required for a Zoning Board of Appeals use variance application, including a detailed plan of the installation proposed, and depiction(s) of its environmental setting.

2. Except as otherwise set forth herein, the Village Board shall consider said application pursuant to the pertinent provisions and procedures set forth in Village Law by which the Zoning Board of Appeals hears use variance applications. Such applications shall be heard as soon as practicable after the application is determined to be complete. Fees shall be those charged for a variance application. The Village Board shall have authority, in its legislative discretion, to vary or modify the application of any provision of this Local Law with respect to the applicant upon its determination that such variance or modification is necessary to alleviate the unusual or unnecessary hardship proven by the applicant and that such variance or modification is consistent with the protection of the health, safety and welfare of the residents of the Village.

B. A variance, following approval as outlined above, shall expire upon expiration of this moratorium law unless a building permit for the installation approved by the variance has been issued prior to such expiration.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State and shall remain in force and effect for a consecutive period of 180 days from its effective date.