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ANDREW M. CUOMO  
GOVERNOR  
ROSSANA ROSADO  
SECRETARY OF STATE

January 30, 2017

Barbara J Daniel  
Town Clerk  
1272 Brant North Collins Rd  
PO Box 228  
Brant NY 14027

**RE: Town of Brant, Local Law 1 2017, filed on January 30, 2017**

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](http://www.dos.ny.gov).

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



Department  
of State



*mailed  
to State 1/20/17*

# Town of Brant Erie County New York

SUPERVISOR  
Leonard K. Pero  
716-549-0301 opt#3

TOWN CLERK  
Barbara J Daniel  
716-549-0282 opt# 2

COUNCILMAN  
Donald Clark  
Mark DeCarlo  
Chad Kaczmarek  
Michael Muffoletto

State of New York Dept of State  
One Commerce Plaza  
99 Washington Avenue, Suite 600  
Albany, New York 12231-0001

January 19, 2017

**Re: Town of Brant, Local Law #1 of 2017**

Dear Sir/Madam,

Please find enclosed one copy of the following:

- Local Law #1 of 2017
- Completed DOS-239

Please forward a receipt of acknowledgement of the above law.

Cordially,

Barbara J Daniel  
Brant Town Clerk

Enclosure

1272 Brant North Collins Rd, PO Box 228, Brant, New York 14027 PH (716)549-0282 (716)549-0623  
[www.brantny.com](http://www.brantny.com) ~ TDD NY RELAY 1-800-662-1220

The Town of Brant is an equal opportunity provider, and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800)795-3272 (voice) or (202)720-6382 (TDD)

# 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.

County  
City of BRANT  
Town  
Village

Local Law No. 1 of the year 2017

**A local law**

*(Insert Title)* A Local law imposing a temporary moratorium on the issuance of applications & the granting of permits, Licenses or approvals for the siting of Commercial Solar Power Projects in the Town of Brant in order to allow for the adoption appropriate regulations

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

County  
City of BRANT  
Town  
Village as follows:

\* see last pg. of this packet

(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 20 17 of the (County)(City)(Town)(Village) of BRANT was duly passed by the BRANT TOWN BOARD on JAN. 10 2017, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

~~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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)~~

~~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) (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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)~~

\* 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 1, above.

*Barbara Daniel*

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

(Seal)

Date: January 19, 2017

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

County \_\_\_\_\_  
City of \_\_\_\_\_  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF BRANT

LOCAL LAW NO. 1 OF THE YEAR 2017 AS ADOPTED

A local law imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the Siting of Commercial Solar Power Projects in the Town of Brant in order to allow for the adoption of appropriate regulations pertaining to such land uses,

Be it enacted by the Town Board of the Town of Brant ("Town") as follows:

**WHEREAS**, in recent weeks, Brant has received a number of inquiries about siting and locating commercial solar panel installations on lands within the Town of Brant, and

**WHEREAS**, current local laws, ordinances and regulations do not adequately address many of the issues and concerns which must be considered to fairly address the impacts of such uses upon the Town, and

**WHEREAS**, the Town Board has determined that it is necessary to protect the public interest and welfare by imposing a temporary moratorium on new siting, location and establishment of Commercial Solar Power Projects while the Town undertakes a comprehensive review of concerns and issues raised by these uses, and

**WHEREAS**, such moratorium is intended to allow the Town sufficient and necessary time to address such concerns and issues and enact new laws, ordinances or regulations, and/or appropriate amendments to existing laws, ordinances or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's comprehensive plan.

**NOW, THEREFORE**, the Town Board of the Town of Brant hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Brant with respect to the siting, location or establishment of Commercial Solar Power Projects within the Town of Brant for a period of six (6) months from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

As used in this law, the term "Commercial Solar Panel Project(s)" shall mean and include, but not be limited to, an array or collection of photovoltaic panels or collectors that convert sunlight to electrical energy and which, together with appurtenant facilities, covers an aggregate area of land greater than 1500 square feet. Residential, business and industrial properties with rooftop solar panel installations which generate electricity solely servicing the property where the rooftop installations are located are exempt from this moratorium as are all municipal and school installations and properties.

This local law is intended to supersede all applicable provisions of the Town of Brant Code, to the extent required to give effect to the provisions hereof for the effective period hereof.

Adopted: January 10, 2017