NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

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 **Goshen**
~~**Village**~~
Village

Local Law No. 5 **of the year** **2026**

A local law entitled "Moratorium on Certain Solar Energy Uses"
(*Insert Title)*

Be it enacted by the **Village Board**
(*Name of Legislative Body)*
of the
~~**County**~~
~~**City**~~
of Goshen as follows:
~~**Village**~~
Village

SECTION 1: TITLE

A local law entitled "Moratorium on Certain Solar Energy Uses"

SECTION 2: PURPOSE AND INTENT.

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Village of Goshen and to maintain the *status quo* as to certain solar energy uses, as the present zoning regulations in the Village do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar arrays and solar farms or any and all solar installations except for roof-mounted solar panels. The moratorium is for a period of one (1) year from the date of the adoption of this local law, allowing the Village Board to analyze and determine potential appropriate revisions and amendments to the Village of Goshen Zoning Code concerning this use.

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SECTION 3: LEGISLATIVE FINDINGS.

The Village of Goshen Village Board does hereby find that without a temporary halt on the processing, permitting, and approvals for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the Village and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of, and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Village.

The Village Board also finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Village. By maintaining the *status quo* regarding such uses the Village Board can provide for the planned orderly growth and development of the Village.

SECTION 4: MORATORIUM IMPOSED

For a period of time of one (1) year following the effective date of the adoption of this Local Law, which time period may be extended as provided hereinafter, with the exception of roof mounted solar panels, no application in any village zoning district may be processed, and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to solar arrays and solar farms or any and all solar installations except for roof-mounted solar panels.

The term "land uses relating to solar energy" shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are roof mounted solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

This Local Law shall be binding on the Village Board, Planning Board, Zoning Board of Appeals, Building Inspector, all Village officials and employees, and any applicant or real property owner in the Village desiring to apply for or receive a permit, certificate of occupancy or approval in the Village of Goshen.

During the period of the moratorium, the Village Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Village of Goshen Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Village for land uses relating to solar energy as described above.

SECTION 5: TERM

This moratorium shall be in effect for a period of one (1) year from its effective date.

This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Village Board.

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SECTION 6: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of the New York State Village Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

SECTION 7: HARDSHIP WAIVER

A. Should any owner of property affected by this Local Law suffer any unnecessary and extraordinary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the Village Board of the Village of Goshen in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary or extraordinary hardship shall not be:

a. the mere concern that regulations may be changed or adopted; or

b. the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. An application for an exception based upon unnecessary or extraordinary hardship shall be filed with the Village Clerk no earlier than the effective date of this Local Law, including a fee of one thousand and five hundred 00/100 Dollars ($1,500.00) for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the landowner or the applicant upon the consent of the landowner. The application shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the Village Board, shall prescribe as necessary for the Village Board to be fully informed with respect to the application.

C. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a hardship waiver from the provisions of this Local Law, the Village Board shall, within forty-five (45) days of receipt of a completed application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Village of Goshen. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board shall, within thirty (30) days of the close of said Public Hearing, render its decision either granting, denying, granting in part or denying in part, the application for a hardship waiver from the strict requirements of this Local Law. If the Village Board determines that a property owner will suffer an unnecessary or extraordinary hardship if this Local Law is strictly applied to a particular property, then the Village Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

D. Standard of Review. In reviewing an application for an exception based upon a claim of necessary or extraordinary hardship, the Village Board shall consider the following criteria:

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a. The extent to which the proposed development activity would cause significant environmental harm, adversely impact surrounding natural resource areas, public health, comfort or safety concerns and/or have a negative impact upon the Village.

b. Whether the moratorium will expose a property owner or applicant to substantial monetary liability to a third person or would leave the property owner or applicable completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.

SECTION 8: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 9: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

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