

**Town of Columbus
Local Law #1 2006**

**Imposing a 365 Day Moratorium on Construction,
Placement or Permitting of High Voltage Direct
Current Transmission Systems.**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COLUMBUS AS FOLLOWS:

Section 1. Title.

This Local Law shall be referred to as the "Local Law Imposing a 365 (three hundred sixty-five) Day Moratorium on Construction, Placement or Permitting of high Voltage Direct Current Transmission Systems."

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Columbus (hereinafter "Town") to regulate and control land use, and to protect the health safety and general welfare of the residents of the Town, to provide standards for the safe provision of HVDC Transmission Systems consistent with applicable Federal and State regulations, and to protect the natural features and aesthetic character of the Town Board (hereinafter "Town Board") of the Town hereby declares and imposes a three hundred sixty-five (365) day moratorium on the construction, placement, establishment, erection and enlargement of HVDC Transmission systems to include towers and facilities (hereinafter collectively referred to as HVDC Transmission Systems") in the town.

The Town Board hereby finds and determines that:

The rapidly changing technology and the location of current electrical substations, along with the demands on the current electrical power supply in the lower Hudson V alley, Long Island and New York City indicate that applications for construction and placement of HVDC Transmission Systems may soon be received by the Town. The integration of these HVDC Transition Systems within the Town's existing pattern of predominantly residential and agricultural land use emphasizes the need for suitable land use standards and controls with reference to HYDC Transmission Systems. The Town Board desires to address, in a careful manner, the construction, placement, establishment, erection and enlargement (hereinafter collectively referred to as

"Siting") of HVDC Transmission Systems on a Town-wide basis, rather than on an ad-hoc basis, and to adopt a comprehensive local law to specifically regulate the same. The Town Board needs to have the time period prescribed by this local law in order to further study, in a careful manner, the issues described herein above, and to be in a position to adopt a comprehensive local law relating to HVDC Transmission Systems and the Siting thereof.

Section 3. Scope of Controls;

A. During the effective period of the moratorium imposed by this local law:

1. The Town Board shall not grant any approvals which would have as a result the Siting of any HVDC Transmission System within the Town.

2. The Town of Columbus Planning Board shall not grant any preliminary or

final approval to a subdivision plat, site plan, special use permit, or other permit or application which would have as a result the Siting of any HVDC Transmission Systems within the Town.

3. The Town, or County Building and Code Enforcement Officer or Inspector shall not issue any permit which would result in the Siting of any HVDC Transmission System within the Town.

B. The Town Board of the Town reserves the right to direct the Town, or County, Building and Code Enforcement Officer or Inspector to revoke or rescind any permits or certificates of occupancy issued in violation of local law.

Section 4. No consideration of new applications.

No application for Siting of HVDC Transmission Systems affected by this local law or for approvals for subdivision, site plan, variance, special use permit or other permits or applications relating to HVDC Transmission Systems shall be considered by any board, officer or agency of the Town while the moratorium imposed by this local law is in effect.

Section 5. Term

The moratorium imposed by this local law shall be in effect for a period of three hundred sixty-five (365) days from the effective date of this local law.

Section 6. Penalties.

Any person, firm or corporation who (that) shall site HVDC Transmission Systems in violation of the provisions of this local law or shall otherwise violate any of the provisions of this local law shall be subject to:

A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules or regulations of the Town for violations: and/or

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with, or are in violation of, this local law, and if necessary to remove any HVDC Transmission Systems or Siting which may have taken place in violation of this local law.

Section 7. Validity.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law which can be given effect without such invalid provision.

Section 8. Hardship.

A. Should any owner of property within the Town or other applicant affected by this local law suffer an unnecessary hardship in the way of carrying out the stricter letter of the law, then the owner of said property or applicant may apply to the Town Board in writing for a variation :from strict compliance with this local law Upon submission of proof of such unnecessary hardship. For purposes of this local law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, site plan, subdivision, or other permit or application during the period of the moratorium imposed by this local Law.

B. Procedure:

Upon submission of a written application to the Town Clerk of the Town by the property owner or applicant seeking variation of this local law, the Town Board shall, within thirty (30) days of receipt of said application schedule a public hearing on said application upon five (5) days written notice in the official newspaper of the Town. At said public hearing the property owner, applicant and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard. The Town Board shall, within fifteen (15) days of the close of said public hearing render its decision either granting or denying the application for a variation from the strict requirements of this local law. If the Town Board determines that a property owner or applicant will suffer an unnecessary hardship if this 10callaw is strictly applied -to a particular property, then the Town Board shall vary the application of this local law to the minimum extent necessary to provide the property owner or applicant relief from strict compliance with this local law.

Section 9. Effective Date.

This local law shall take effect immediately when it is filed in the office of the Secretary of state of the State of New York in accordance with the provisions of Section 27 of the Municipal Home Rule Law.

