

PROPOSED LOCAL LAW #A, YEAR 2025 ENTITLED "A LOCAL LAW EXTENDING FOR A PERIOD OF SIX (6) MONTHS THE TERMS OF LOCAL LAW #4 YEAR 2024 OF THE TOWN OF BENNINGTON."

Section 1. Legislative Intent

The Town Board of the Town of Bennington, in response to the growing number of green energy conversion projects throughout the region, is seeking to modify Town Zoning Laws to address potential projects seeking to convert wind into energy projects for the use of both local residents as well as commercial large-scale entities. Members of the Town Board, Town Zoning Board of Appeals, Town Planning Board, and its consultants are gathering information on wind energy conversion systems and relevant zoning regulations.

To this end, the Town Board has adopted Local Law #4 of the Year 2024 imposing a moratorium on the acceptance of applications for such projects. As this moratorium is expected to expire prior to the adoption of new local regulations, the Town Board is undertaking a six (6) month moratorium extension to allow to complete the process to adopt new laws.

Section 2. Scope and Control

For a period of six (6) months following the effective date of this Local Law, or sooner if the Town Board so determines that the intent and purpose of this law has been satisfied, the Planning Board, Town Board and Zoning Enforcement Officer of the Town of Bennington shall not accept, process, review or grant approval of any wind energy conversion system application.

Section 3. Conflict with Other Laws

During the duration of time that this law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provision including but not limited to the statute set forth in Town Law, section 276 (4).

Section 4. Enforcement and Violation

This Local Law shall be enforced by the Zoning Enforcement Officer. It shall be the duty of said officer to advise the Town Board of all matters pertaining to the enforcement of this law and to keep all necessary records appropriate to same.

Section 5. Violation

Any persons violating any provision of this Local Law shall be guilty of an offense and upon conviction thereof, be punished by a fine not exceeding \$250.00 or imprisonment not to exceed ninety (90) days. For the purposes of conferring jurisdiction upon the court, violations of this ordinance shall be deemed a misdemeanor, and for such purpose the law relating to misdemeanors shall apply to such violations for procedural matters. Every day's continued violation after notice shall constitute a separate additional violation. In addition, the Town Board may also maintain an action or proceeding in the name of the Town Board in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law.

Section 6. Separability

Should any section or provision of this law be deemed invalid, such decision shall not affect the validity of the remaining provisions of this law.

Section 7. Exceptions

Notwithstanding the foregoing, this Local Law shall not apply to any land development project which has received preliminary approval from the Planning Board or Town Board of the Town of Bennington prior to the effective date of this Local Law.

Section 8. Variances

1. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of reasonable use of the lands involved.
2. Application for a variance shall be filed in triplicate with the Town Clerk, together with a payment in accordance with the adopted fee schedule of the Town and County. The application shall specifically recite the nature of the proposed use of the land, the circumstances pursuant to which the variance is sought and the reasons for which the variance is claimed.
3. Town Board may refer any applications for a variance herein to the Zoning Board of Appeals, or to its zoning consultants, for their advice and recommendations, but all decision on granting or denying such variances shall be made by the Town Board, solely, after determining that the requested variance is compatible with the amendments proposed to be made to the comprehensive plan of the Town or its Zoning Law.
4. The Town Board shall conduct a meeting on any request for a variance within forty-five (45) days of the receipt by the Town Clerk, and within seventy-five (75) days of receipts by the Town Clerk, the Town Board shall issue its final decision on request for a variance.

Section 9. Effective Date

This Local Law shall become effective immediately upon filing in the Office of the Secretary of State and shall become null and void upon passage of the Zoning update.