

**Local Law No. 3 of the Year 2025**  
**Amendments to the Town of Allegany Zoning Ordinance III**  
**Transferring Town Planning Board Approval/ Denial Authority to Town Board and**  
**Providing Town Planning Board Advisory Authority**

**Allegany Town Board**

Be it enacted by the Town Board of the Town of Allegany, County of Cattaraugus and State of New York, to protect the health, safety and welfare of the residents of the Town of Allegany, as follows:

**SECTION 1. TITLE**

This Local Law shall be known as Amendments to Local Law 3 of 2023 entitled “Solar Energy Local Law.”

**SECTION 2. AUTHORITY**

New York Town Law Article 16 and New York Municipal Home Rule Law.

**SECTION 3. PURPOSE, LEGISLATIVE INTENT AND LEGISLATIVE FINDINGS**

The purpose of this local law is to amend Local Law 3 of 2023 entitled “Solar Energy Local Law” to expand the areas where solar energy systems are permitted and to ensure that the Town is reimbursed for all consultant fees incurred by the Town as part of an application for approval of a solar energy system.

**SECTION 4. TEXT OF AMENDMENT TO TOWN OF ALLEGANY ZONING ORDINANCE III**

The Town of Allegany Zoning Ordinance III is hereby amended as follows:

The first sentence of Section 8 of Local Law 3 of 2023 entitled “Solar Energy Local Law” is hereby amended to state as follows: Tier 3 Solar Energy Systems are permitted through the Issuance of a Special Use Permit within the C-1: Local Commercial, C-2: Highway Commercial, I-I; Light Industrial, A-F: Agricultural-Forestry zoning districts, and all real property owned by the Town of Allegany including any real property where cemeteries are located that are operated by the Town of Allegany and subject to site plan application requirements set forth In this Section.

Section 9 (16) is hereby added to the Local Law 3 of 2023 entitled “Solar Energy Local Law” as follows: Consultant fees: all third-party fees, costs and expenses the Town of Allegany

incurs by professional consultant(s) hired to review the plans, application materials, requirements pursuant to this Local Law and construction inspection pursuant to an escrow agreement. The agreement required under this Local Law must be executed and funded before any application is deemed complete. An applicant shall deposit with the Town of Allegany funds sufficient to reimburse the Town of Allegany for all reasonable costs of professional services and consultant evaluation and consultation in connection with the review of any application. An initial escrow deposit of \$5,000 (the "initial escrow deposit") shall be filed with the application. If at any time during the process the escrow account has a balance of less than \$500, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoices incurred by the Town of Allegany at the conclusion of the project, the remaining balance shall be refunded to the applicant.

#### **SECTION 4. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **SECTION 5. EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Allegany and filing with the Secretary of State.