

LOCAL LAW NO. 2 OF THE YEAR 2005
OF THE
TOWN OF PEMBROKE

1. The Zoning Law of the Town of Pembroke known as Local Law No. 1 of 1991, as thereafter amended by Local Law No. 3 of 1992, Local Law No. 2 of 1993, Local Law No. 1 of 1995, Local Law No. 2 of 1995, Local Law No. 2 of 1996, Local Law No. 1 of 1997, Local Law No. 1 of 2000, Local Law No. 1 of 2002, Local Law No. 1 of 2003, Local Law No. 2 of 2003, and Local Law No. 1 of 2005 is hereby further amended by enacting a Moratorium to temporarily prohibit the project review, issuance of permits or construction of any wind powered electricity generated facilities within the Town of Pembroke except for a farm related “Wind Energy Conversion System (Production Model)” as defined in ARTICLE I, SECTION 106 of the Town of Pembroke Zoning Law added by Local Law No. 1 of 2005.
2. This Moratorium is necessary to preserve and protect the health and safety and welfare of the residents of the Town of Pembroke, its agricultural resources, and to enable town officials to comprehensively address the issues involved with the development of residential, agricultural commercial and industrial wind powered electricity generating facilities. If development of this type of facility were allowed to proceed during the duration of this moratorium, irreversible damage to the health and safety of residents, adverse environmental impacts, and/or development that does not conform with the Town’s comprehensive plan may occur. This moratorium will allow town officials to engage in a deliberate research, review and discussion of issues in this area to ensure that wind powered electrical generating facilities, of whatever type, 1) conform with the Town’s comprehensive plan, and 2) that the Town’s and use regulations are adequate in this regard.
3. This moratorium will be in effect for a period of twelve (12) months from the date it becomes effective as described in “7” herein.
4. In the event affected landowner(s) wish to seek relief from this Moratorium, they may apply, through the Code Enforcement Officer, to the Town of Pembroke Zoning Board of Appeals.
5. Any violation of the Local Law shall be subject to the provisions of Section 709 of the Zoning Law of the Town of Pembroke.
6. If any Section, sentence, clause or phrase of this Local Law is held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining unaffected provisions shall remain in full force and effect.
7. This Local Law shall become effective upon its filing with the New York State Secretary of State.