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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.

Town of VESTAL, NEW YORK

Local Law No. B **of the year** 2024

A Local law “A Local Law Placing a Temporary Moratorium on Approvals Regarding Solar Array Farms”

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

Town of VESTAL as follows:

Section 1. Title

This Local Law shall be referred to as the “Local Law Placing a Temporary Moratorium on Approvals Regarding Solar Array Farms”

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Vestal by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a twelve (12) month moratorium on approval of any application related to the construction, establishment or creation of a solar array farm used for commercial purposes.

Section 3. Legislative Findings

- A. The Town of Vestal Town Board hereby finds that without a temporary halt on the processing, permitting and approval for certain solar land uses there is a potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper regulations for such uses would have materially adverse impacts on the Town.
- B. The Town Board also finds that time is required to perform the necessary analysis of the potential types of solar facilities that could be located in the Town and where such uses should be located. By using this time for careful study, the Town Board can provide for the planned orderly growth and development of the Town.
- C. The Town Board does not presently have in place a Comprehensive Plan and the new Supervisor and Town Board have recently formed a Comprehensive Plan Committee, in order to inform the Town’s future

development. The Board intends to retain experts to provide professional guidance in process of developing the Comprehensive Plan, which will include a study of commercial solar array farms.

- D. The prior Town Council recently passed a Solar Energy Local Law, which requires revision. It is the Board's intention to have this moratorium apply to the current legislation.
- E. The Town Board finds and determines that many residents within the Town have been approached by developers to obtain long-term leases on real property within the town which may lead to undesirable and/or inappropriate land development results.
- F. The Town Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully review and study whether regulation of solar array farms is necessary and if so, to complete the enactment of the necessary statutory and other tools to implement the same, including but not limited to, drafting proposed amendments to existing Town Local Laws, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

Section 4. Scope of Moratorium

- A. During the effective period of this Local Law:
 - 1. The Town Board and/or any other municipal body shall not grant any approvals which would have as the result the construction, establishment or development of a solar array farm used for commercial purposes or any new subdivision, site plan review, building permits or other municipal approvals within the Town related to or involving same.
 - 2. The Building Inspector and/or Code Enforcement Officer of the Town shall not issue any building permit or other permit which would result in the construction, establishment or development of a solar array farm used for commercial purposes or any new subdivision, site plan review, building permits or other municipal approvals within the Town related to or involving same.
- B. The Town Board reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.
- C. This moratorium shall not be applicable for such projects which are to be located on State, County or Town-owned real property.
- D. Definitions. For the purposes of this local law the following terms shall mean:
 - i. SOLAR ARRAY FARM: A solar collector(s) or other device(s) or structural design feature(s) of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use which is intended to be utilized for any purpose other than private residential or agricultural use.
 - ii. COMMERCIAL SOLAR USE: The term "Commercial Solar Use" shall mean the placement, construction, erection, installation, or use of a Solar Energy Law for the generation of electrical

power to be used primarily for the sale or distribution to, or consumption by distributors or users located off the site of such Solar Energy System; provided, however, this does not include On-site Solar Energy Uses.

Section 5. Term

The moratorium imposed by this Local Law shall be in effect for a period of twelve (12) months from the effective date of this Local Law. The Town Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public's interest.

Section 6. Penalties

Any person, firm or corporation that shall establish or develop any new subdivision, use that would require a site plan review, building permits or other municipal approvals for the construction, establishment or approval of a solar array farm used for commercial purposes in the Town in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided for in the Town's Site Plan Review Law and by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with 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. State Environmental Quality Review Act (SEQRA)

The Town Board has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted hereunder at 6 NYCRR part 617 and find this Local Law to be a Type II Action as defined therein. Therefore, no further review is required under SEQRA.

Section 9. Authority and Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law. This Local Law is enacted in accordance with the supersession powers granted to municipalities pursuant to Section 10 of the Municipal Home Rule Law.

Date of Publication:
Date of Posting:
Date of Public Hearing:
Date of Adoption of Local Law:
Date Local Law Effective:

