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Town of New Lisbon

Local Law No. 2 of the year 2016

**A LOCAL LAW ESTABLISHING A MORATORIUM ON THE CREATION AND INSTALLATION OF "SOLAR ENERGY FARMS" IN THE TOWN OF NEW LISBON**

Be it enacted by the Town Board of the

Town of New Lisbon

**AUTHORITY AND PURPOSE:**

**AUTHORITY:** Pursuant to Article XVI, Sections 264, 265, 274-a and 274-b of the New York State Town Law and Article II Section 10 of the Municipal Home Rule Law, the New Lisbon Town Board hereby enacts a moratorium on the creation and installation of "Solar Energy Farms" or related enterprises or activities in the Town of New Lisbon.

**WHEREAS,** the Town Board recognizes that there has been an increased interest in the creation and installation of "SOLAR ENERGY FARMS" (i.e., solar panels installed upon premises in the Town which are primarily intended to produce and supply power to individuals and/or entities other than the owner of the premises upon which said solar panels are installed), and

**WHEREAS,** the Town Board of New Lisbon recognizes and believes that such installations may result in an increase in construction traffic, the loss of prime farm/crop lands, the deterioration of the Town's fragile infrastructure, the loss of topsoil and the loss of the Town's rural character and landscape as well as having an impact on the Town's ability to serve any additional needs that may arise from such development, and

**WHEREAS,** the Town of New Lisbon Board has in place a town-wide Comprehensive Plan, and

**WHEREAS,** the Comprehensive Plan may have a significant role in proposing adoption of or revisions to the Land Use Law of the Town of New Lisbon, and

**WHEREAS,** the New Lisbon Town Board is currently exploring adoption and changes relative to its zoning and land use laws, and

**WHEREAS,** the Comprehensive Plan and the proposed revisions and/or adoption of a Land Use Law require that the Town Board have time to effectively plan for wise and controlled growth.

(See Attached)

## **SECTION 1: DEFINITIONS**

### a) Solar Energy Farm

One or more solar panels installed upon premises in the Town of New Lisbon which are primarily intended to produce and supply power to individuals and/or entities other than the owner of the premises upon which said solar panels are installed.

## **SECTION 2: MORATORIUM**

- a) The Town of New Lisbon Planning Board shall not review and/or grant any approvals of applications received hereafter for the creation or installation of Solar Energy Farms (as defined above) in the Town of New Lisbon for a period of six months or until such time as the Town of New Lisbon Board has revised, passed and filed any new or revised provisions of a Local Land Use Law, whichever comes first.
- b) The Planning Board shall not review any applications for the creation or installation of "Solar Energy Farms" or activities related thereto which may currently be before the Planning Board unless such application has been deemed complete, i.e., they have submitted all required information to the Planning Board as required by the Town's Law and the New York State Environmental Quality Review Act (SEQRA) and the Planning Board has deemed that the information is in sufficient form for review of the project. Pending applications for the creation or installation of "Solar Energy Farms" or activities related thereto which have been deemed complete may receive final action from the planning board while the moratorium is in effect.

## **SECTION 3:**

The Town Board shall have the power to vary or modify any provision of this Local Law upon the board's determination, and with its absolute legislative discretion, after public hearing on notice that this Local Law would pose extraordinary hardship on a landowner or developer and that such variation or modification is consistent with the spirit of the review of the Town's Land Use Law being conducted by the Town Board and the Planning Board and that such variance or modification will not adversely affect the health, safety, and general welfare of the residents of the Town of New Lisbon.