

**LOCAL LAW NO. 5 OF 2023 A LOCAL LAW AMENDING
ARTICLE XXIX SECTION 320.83
TO CREATE A NEW ARTICLE 320-86.3 SUSPENDING
THE PROCESSING OF APPLICATIONS FOR SOLAR
PHOTOVOLTAIC ENERGY SYSTEMS TO BE APPROVED
UNDER SECTION XXIX OF THE TOWN CODE:**

Be it enacted by the Town Board of the Town of Lysander, Onondaga County, New York as follows:

Section 1. A new Section 320-86.3 will be added to Section 320.83 Article XXIX of the Town Code as follows:

**ARTICLE IX
MORATORIUM**

STATEMENT OF LEGISLATIVE INTENT.

It is the purpose of this moratorium to enable the Town of Lysander to have sufficient time to review the Town's existing laws, pertaining to large scale Solar Photovoltaic Energy Systems ("Solar PV collection systems" or "Solar Farms") requiring permit and site plan approval, and to determine if modifications to the Law regarding such operations are necessary. This review is in accordance with the goals, objectives and policies of the Town Board related to the creation of a Town of Lysander Comprehensive Plan and in conjunction with the process for creating said Comprehensive Plan.

Further, the Moratorium would provide the Town Board the time necessary to: (i) review the Law and to make any updates if needed, (ii) make sure that policies and procedures are in place to develop agreements that serve the best interest of the Town; (iii) complete a solar use and capacity study to understand how many Solar PV collection systems may be installed in the Town; (iv) ensure that the Comprehensive Planning process takes into consideration the Law.

Amendments to the Law will be considered regarding further enhancing protection of the environment, productive farmland, view shed and modifications necessary to permit for careful review and approvals of such development.

It is, therefore, the intent of the Town Board to temporarily suspend the review and approval of all expansions to existing Solar Farms and approval of new Solar Farms.

Based on the foregoing, the Town Board wants to ensure that any such expansions to existing such Solar Farms or approval of new Solar Farms are reviewed under the potential new regulations and not under the existing Law.

§320-86.3 MORATORIUM.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation by the Planning Board of any expansions to existing solar collection systems or Solar Farm or the approval of any new solar collection systems or Solar Farms anywhere within the Town.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for any expansions to existing solar collection systems or Solar Farms or the approval of new solar collection systems or Solar Farms and shall not grant any special permit or site plan approval to any such expansions to or new solar collection systems or Solar Farms within the Town during the moratorium.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits for any construction involving any expansions to solar collection systems or Solar Farms or involving any new solar collection systems or solar farms anywhere within the Town that have not been granted site plan or special use permit approvals.

F. Pursuant to this moratorium, no applications for variances, special use permits or other approvals involving any expansions to solar collection systems or Solar Farms or involving any new solar collection systems or Solar Farms shall be processed or granted; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to the existing solar collection systems or Solar Farms.

§ 320-86.4. EXCEPTIONS.

No part of the moratorium to be enacted by this local law shall apply to the following:

A. Reviews of existing special use permits or site plans that are required to come regularly before the Town Planning Board for re-approval, provided such applications do not request any modifications to the existing solar collection systems or solar farms; and

B. Solar Photovoltaic Energy Systems that have been granted a special permit and site plan approval before this Local Law goes into effect; and

C. Solar photovoltaic energy systems designed to provide residential homes or existing commercial or public structures with renewable energy through the placement of a solar panel on the home or its property.

§ 320-86.5. PENALTIES.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of a minimum of \$100.00 and a maximum of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

§ 320-86.6. VARIANCES.

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals for a use variance and make use of the existing variance procedures under the Zoning Law of the Town of Manlius to seek relief from the restrictions of this local law.

§320-86.7. VALIDITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 2. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede Section 274-a, Section 274-b and Section 276 of the Town Law any other inconsistent provision of state or local law.

Section 3. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing unless otherwise rescinded as set forth in the Local Law.