

LOCAL LAW NO. 1 OF 2022
“A LOCAL LAW EXTENDING LOCAL LAW NO. 1 OF 2021 A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE SCALE SOLAR INSTALLATIONS WITHIN THE TOWN OF SPARTA FOR TWELVE (12) MONTHS”

Be it enacted by the Town Board of the Town of Sparta as follows:

SECTION I. TITLE

This Local Law Shall Be Known As “A Local Law Extending a Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations within the Town of Sparta for twelve (12) months.”

SECTION II. AUTHORITY

The Town Board of the Town of Sparta, pursuant to the authority of Municipal Home Rule Law of the State of New York, hereby enacts said article as follows.

SECTION II. PURPOSE AND INTENT

The purpose of this local law is to extend the temporary land use moratorium which prohibits large scale solar installations in the Town of Sparta for twelve (12) months, as the COVID-19 pandemic frustrated the process of adopting a Solar Law and deficiencies in the Town Zoning have been noted.

Due to the COVID-19 pandemic, the Town Board recognizes that the process of adopting a Solar Law was delayed, as the Town was unable to meet the social distancing regulations and guidelines in place. The Town has also acknowledged that an additional twelve (12) months will grant time to remedy any deficiencies within the Town Zoning Code.

The purpose of this local law is to temporarily halt development of large scale solar installations, for a period of up to twelve (12) months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern.

The Town Board recognizes and acknowledges that the Town needs to continue to study and analyze many considerations that affect the preparation of local legislation to regulate large scale solar installations.

In the coming months, the Town will be diligently working towards the development of regulations that will address, in a careful manner, the establishment, placement, construction, enlargement and erection of large scale solar installations on a comprehensive Town-wide basis and to adopt zoning regulations for provisions to specifically regulate same.

The Town Board is concerned with the potential impacts of future large-scale solar systems and believes it to be in the best interest of the Town of Sparta to establish a Local Law extend a temporary twelve (12) month moratorium on the installation of any large-scale solar systems.

SECTION III. DEFINITIONS

Large Scale Solar Installations: Any installation of solar panels, equipment and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party (which does not include any individual or business that directs such produced energy back into the public grid solely to offset their own energy consumption). Large Scale Solar Installations specifically DO NOT include any solar panel system or array undertaken by individual landowners, householders or farmers for their own personal use or the use of a business owned by them.

SECTION IV. SCOPE OF CONTROLS

A. During the effective period of this Local Law:

1. The Town Board of the Town shall not grant any approvals that would have as the result the establishment, placement, construction, enlargement or erection of commercial solar energy conversion devices/farms within the Town.
2. The Town Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, enlargement or erection of a commercial solar energy conversion devices/farms within the Town.
3. The Town Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of a commercial solar energy conversion devices/farms within the Town.
4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, enlargement or erection of a commercial solar energy conversion devices/farms within the Town.

B. The Town Board of the Town reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

SECTION V. NO CONSIDERATION OF NEW APPLICATIONS

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board officer

or agency of the Town while the moratorium imposed by this Local Law is in effect.

SECTION VI. 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.

SECTION VII. PENALTIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any commercial solar energy conversion devices/farms in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided 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 and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

SECTION VIII. VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION IX. HARDSHIP

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. Procedure.
 - 1. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town.

2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law.
3. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

SECTION X. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION XI. SEVERABILITY/VALIDITY

In the event that any work phrase of part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

SECTION XII. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section 27 of the Municipal Home Rule Law.