

LOCAL LAW # OF 2021

A LOCAL LAW  
ESTABLISHING A MORATORIUM ON THE CREATION OF  
NEW SOLAR FARMS IN THE TOWN OF MARSHALL

BE IT ENACTED BY THE MARSHALL TOWN BOARD AS FOLLOWS:

1. **Title and Authority-** This Local Law shall be known as the Town of Marshall Solar Farm Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.
2. **Purpose-**Solar farms have become increasingly prevalent in Central New York, the Town Board of the Town of Marshall deems it necessary to temporarily restrict the development of new solar panels so that the Town Board and Town Planning Board may consider creating new regulations to encourage appropriate solar farm development. The Town Board determines that this extended period of study will enhance and protect the Town's residential and agricultural land uses.
3. **Definitions-** COMMERCIAL SOLAR FARM- An area of land or other area used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground or roof-mounted solar collector devices, solar-related equipment and other accessory structure and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Commercial solar farms shall not include one- or two-family residential installations.
4. **Moratorium-** The Town Board hereby imposes a Moratorium on applying for and/or constructing any New Solar farms in the Town of Marshall for a period commencing on the effective date of this Local Law and continuing until March 31, 2022 and further provides that no application for a Building Permit, Variance or Special Use Permit will be accepted for review by the Town Code Enforcement Officer, Town Planning Board or Town Zoning Board of Appeals during this period.

Nothing contained in this Moratorium shall affect a Solar Farm project for which a Special Use Permit has already been issued. In addition, nothing contained in this Moratorium shall affect Solar Farms for which an application for Special Use Permit is pending at the time of this Moratorium. In such case, nothing contained in this Moratorium shall prevent 1) the Planning Board from reviewing and taking action on such Application, 2) the Applicant from seeking and obtaining any necessary variances or building permits, and 3) project construction and operation.

5. **Variances-** The Town Board shall have the power, after a public hearing, to vary or modify the application of any provision of the Local Law upon its determination that



strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law.

6. **Extensions-** This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety, and welfare of the citizens of the Town and accomplish the stated purposes and intent of this Local Law.
7. **Termination-** This Moratorium may be terminated earlier than March 31, 2021 upon enactment of local legislation regulating development of New Solar Farms within the Town.
8. **Severability-** The inability of any clause, sentence, paragraph or provision of the Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.
9. **Repealer-** All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.
10. **Effective Date-** This Local Law Shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law.



**THEREFORE, BE IT ENACTED BY THE MARSHALL TOWN BOARD AS FOLLOWS:**

**BE IT RESOLVED**, That pursuant to the statutory powers vested in the Town of Marshall to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Marshall hereby declares a temporary, six (6) month moratorium which shall prohibit the review, approval or creation of any expansions to existing mining operations, operations involving the extraction of soil, stone, sand or gravel and operations involving excavation or the approval of new mining operations, operations involving the extraction of soil, stone, sand or gravel and operations involving excavation within the Town of Marshall; and

**BE IT RESOLVED**, That this moratorium shall be in effect for a period of six months from the effective date of this Resolution and shall expire six (6) months from said effective date, unless renewed; or the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists; and

**BE IT RESOLVED**, That pursuant to this moratorium, the Planning Board nor the Zoning Board of Appeals shall not review any applications for any expansions to existing mining operations, operations involving the extraction of soil, stone, sand or gravel and operations involving excavation or the approval of new mining operations, operations involving the extraction of soil, stone, sand or gravel and operations involving excavation and shall not grant any preliminary or final site plan approval, permits or special use permits to any such expansions or to new mining operations, operations involving the extraction of soil, stone, sand or gravel and operations involving excavation within the Town of Marshall.

## **Proposed Commercial Excavation Moratorium**

**WHEREAS**, The Town Board has created a committee (Comprehensive Review Committee) to conduct a comprehensive review the Town's Comprehensive Plan and the Town's Zoning Ordinance; and

**WHEREAS**, The Comprehensive Review Committee has conducted its review and identified the inclusion of Commercial Excavation in Agricultural Districts (Section 11, b, 2) to be one of the areas of the Zoning Ordinance, Local Law No. 1 of 2002, to not be aligned with the Town's Comprehensive Plan; and

**WHEREAS**, Under the terms of the current Town of Marshall Zoning Law, commercial excavation is a land use allowed Agricultural Districts by special use permit, by special use permit; and

**WHERE AS**, The Town of Marshall will require sufficient time to further review existing local laws pertaining to mining operations, operations including the extraction of soil, stone, sand or gravel and operations involving excavation and to recommend modifications to those laws or new laws regarding such operations; and

**WHERE AS**, This review is in accordance with the Town of Marshall Comprehensive Plan and

changes to such laws would permit a well organized and easily understood Zoning Ordinance, achieve the objectives of the Comprehensive Plan and encourage consistent and fair application of laws pertaining to such operations; and

**WHERE AS**, The Town Board is concerned that approval of expansions to existing such operations or approval of new such operations, under the existing laws, could negatively impact the value, and appearance of the locations in which they would be situated and of the character of the Town as a whole; and

**WHERE AS**, The Town Board recognizes the need to suspend the approval of all expansions to existing such operations and approval of new such operations. Thereby affording the Town sufficient time to draft amendments to the Town's Zoning Ordinance based on the foregoing, and to ensure that any expansions to existing such operations or approval of new such operations are reviewed under the new regulations and not under the existing laws.