

Local Law No. 4 of 2025

Town of New Hartford, New York

A Local Law enacted by the Town of New Hartford entitled “Large-Scale Solar Energy Systems Moratorium”

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

Section I. Statement of Authority

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of New Hartford and the general police power vested with the Town of New Hartford to promote the health, safety and welfare of all residents and property owners in the Town of New Hartford.

Section II. Purpose

The purpose of this local law is to declare a temporary moratorium on the issuance of building permits, special permits, certificates of occupancy and site plans by the Town of New Hartford for the approval, construction, establishment and/or operation of any additional or new “Large-Scale Solar Energy System” within the limits of the Town of New Hartford. This Law is intended to supersede Chapter 118-74 as it relates therein to Large-Scale Solar Energy System.

Section III. Legislative Findings

The Town Board of the Town of New Hartford has recently held two public meetings concerning applications for the construction of Large-Scale Solar Energy Systems in the Town. Each public meeting was attended by approximately one hundred residents in opposition to such a system. Two applicants have commenced litigation against the Town and one Court has indicated that the Town should amend the current law to designate specific zoning districts in which said solar systems will be permitted. In order to comply with direction the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of New Hartford to enact a six month moratorium on the issuance of building permits, special permits and site plans by the Town of New Hartford for the construction or establishment of any additional or new “Large-Scale Solar Energy Systems” within the limits of the Town of New Hartford which are not currently in existence or operation. The Town Board finds that without a temporary halt on the processing, permitting and approval of certain solar uses and there is a potential that such uses could be located in unsuitable areas.

Section IV. Moratorium Imposed

Applicability. For a period of six (6) months following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations or interpretations may be issued or granted for any land uses relating to large scale solar energy, including but not limited to, solar farms. This temporary moratorium

will apply to any application received after the effective date of this Local Law, and will apply to any application for permits, certificates of occupancy, approvals, variances, determinations or interpretations, relating to proposed solar energy facilities received by the Town and still pending a final determination as of the effective date of this Local Law.

The term “lands use relating to solar” shall be broadly construed to include any facility designed to generate or store electric power to be marked, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are solar facilities designed to generate electric power solely for the use of the improvements located on the same property. The term “solar farm” shall not include photovoltaic panels that are mounted on or affixed to residential dwellings for personal use, or photovoltaic panels that are mounted on municipal or commercial or industrial buildings.

This Local Law shall be binding on the entire Town Government, including but not limited to the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, officials and employees.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of New Hartford Zoning Code. During the period of the moratorium, no applications will be accepted nor permits, variances, rezoning requests, certificates of occupancy, or any other approvals issued which would authorize development within the Town for land uses relating to solar or wind energy as described above. All review and consideration of any applications pending as of the effective date of this law and related to any wind energy facility, or solar farm, shall cease until such time as this moratorium expires, or is repealed.

Section V. Term

This moratorium shall be in effect for six (6) consecutive months from its effective date. This term may be extended for an additional cumulative period of up to one (1) year, by resolutions of the Town Board. Any resolution to extend this moratorium shall not extend the moratorium for more than six (6) months at a time.

Section VI. Effect on Other Laws

To the extent that any law, ordinance rules or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule, or regulation.

Section VII. No Variances

No application for variance from the terms of this moratorium may be submitted, or considered or granted by the Town. Any pending application for a variance from the moratorium shall be null and void upon the effective date of this law.

Section VIII. Severability

Should any provision of this Local Law be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section VIII. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.