

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Lima, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of Lima at the Town Hall, located at 7329 East Main Street, Lima, New York at 6:30 p.m. on Tuesday, August 5, 2025 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

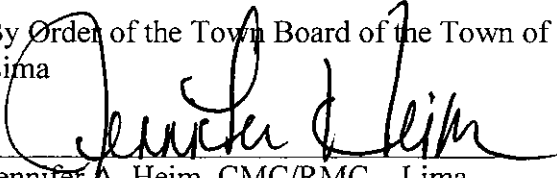
A Moratorium within the Town of Lima, Livingston County, New York intended to temporarily prohibit the creation or siting of large-scale solar power installations within the Town of Lima for a period of up to twelve (12) months, which such Moratorium is intended to allow the development and adoption of local laws and/or ordinances to regulate and govern such installations.

The proposed local law is posted on the Town's website at ww.townoflimany.gov and is available for review by the public at the office of the Town Clerk during regular Town Clerk hours.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: July 14, 2025

By Order of the Town Board of the Town of
Lima

A handwritten signature in black ink, appearing to read "Jennifer A. Heim", written over a horizontal line.

Jennifer A. Heim, CMC/RMC – Lima
Town Clerk

TOWN OF LIMA LOCAL LAW NO. 1 of 2025

A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE-SCALE SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF LIMA

Be it enacted by the Town Board of the town of Lima as follows:

SECTION 1. PURPOSE AND INTENT.

This local law is intended to temporarily prohibit the creation or siting of Large-Scale Solar Energy Systems (as defined herein) within the Town of Lima for a period of up to twelve (12) months, pending the further development and adoption of local laws and/or ordinances prepared to supplement or modify the current Zoning Law of the Town of Lima (hereafter “Zoning Code”) for purposes of governing the siting and development of such Large-Scale Solar Energy Systems.

The objective of this moratorium is to allow the Town of Lima (hereafter “Town”) to assess and update its current Zoning Code to address the appropriateness of the use, siting and regulatory processes associated with Large-Scale Solar Energy Systems, so as to better promote community planning and development values in the context of the rapidly changing technology and industry of Large-Scale Solar Energy Systems. During the pendency of the moratorium, the Town Board will consider whether Large-Scale Solar Energy Systems are an appropriate use of land within the Town of Lima and if so, how best to permit such Large-Scale Solar Energy Systems so as to harmoniously integrate the same with the existing residential and agricultural community and landscape. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory and updated regulations are adopted.

For these reasons, the Town Board finds that the intended temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Town of Lima Zoning Code, thus protecting and furthering the public interest, health and safety.

SECTION 2. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Large-Scale Solar Energy System(s) - Any installation of solar panels, solar energy collection equipment, solar energy storage equipment, appurtenant improvements 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. Large-Scale Solar Energy Systems specifically do not include any solar energy system or solar array undertaken by individual landowners, householders, businesses or farmers that direct such produced energy back into the public grid primarily to off-set their own energy consumption or the energy consumption of a business owned by them.

SECTION 3. TEMPORARY MORATORIUM.

- A. There is hereby adopted and instituted by the Town of Lima, a twelve (12) month moratorium on the receipt of, consideration of, or granting of land use applications, site plan approval, special use permit approval or issuance, granting of use or area variances, zoning changes or amendments to permit the siting or creation of any Large-Scale Solar Energy System within the jurisdictional limits of the Town.

Any solar energy system by, or undertaken on behalf of individual landowner, householder, business or farmer, primarily for the purpose of off-setting their own electric energy use is not a Large-Scale Solar Energy System and shall be specifically exempted from this moratorium. However, any such exempted solar energy systems or generating improvements shall not generate in excess of 110% of the one-year average annual consumption of such individual landowner, householder, business or farmer.

- B. During the term of the moratorium the Town Board intends to develop, consider and adopt changes to its land use local laws and/or Zoning Code so as to more effectively regulate Large-Scale Solar Energy Systems. Said moratorium shall be effective as of the date set forth hereinbelow.
- C. While the moratorium is in effect, and subject to Section 5. below, no application shall be accepted, no project review undertaken, and no permit issued or approval given by any board, agency or official of the Town of Lima for the siting or creation of a Large-Scale Solar Energy System.

SECTION 4. APPLICABILITY.

The provisions of this local law shall apply to all real property within the Town of Lima, and all land use applications for the siting or creation of Large-Scale Solar Energy Systems within the Town of Lima.

SECTION 5. RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board shall consider:

1. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.
2. The impact of the proposed application on the applicant's premises and upon the surrounding area.
3. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
4. Compatibility of the proposed application with the recommendations of any administrative body that would absent this moratorium, be charged with such review by the Town of Lima.
5. The written opinion of the Town of Lima Planning Board, Zoning Board of Appeals and the Town of Lima Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.
6. Such other relevant considerations and issues as may be raised by the Town Board.

The Town Board shall have forty-five (45) days after receipt of a written request for relief from this Moratorium, to schedule and open the aforementioned public hearing.

The Town Board shall have sixty (60) days after conducting and closing the public hearing to make a written determination on the requested relief. In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with a thorough review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief from the restraints imposed by the moratorium shall be accompanied by a non-refundable fee of \$3,500.00, together with the applicant's written undertaking, in a form to be approved by the Town Attorney, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to assist the Town in evaluating and considering the merits of such application. In the alternative to an undertaking,

the Town, at its sole discretion, may require the applicant to provide moneys (in addition to the \$3,500.00 fee above) to be held in a non-interest bearing escrow account for the purposes of paying for the expenses anticipated herein. Such initial amount to be paid into escrow shall be determined by the Town Board, and the Town Board may require subsequent deposit of additional funds should the initial escrow amount not be adequate to pay for all such expenses.

SECTION 6. STATUTORY AUTHORITY; SUPERCESSION.

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Lima, and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, this chapter shall supersede the New York State Environmental Conservation Law section 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This local law shall, with regard to applications for large-scale solar, supersede and suspend those provisions of the Code of the Town of Lima and New York state law which require the Planning Board and the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Town Code provision.

SECTION 8. SEVERABILITY.

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

SECTION 9. EFFECTIVE DATE.

The effective date of this local law shall be immediate upon its filing with the Secretary of State, or upon actual submission of a copy of the adopted local law to any individual, person or applicant.