

**Town Of Otisco Local Law No. 2 of 2024 Imposing a One-Year Moratorium on
Commercial and Industrial Construction Within the Town Of Otisco**

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

1. LEGISLATIVE INTENT.

A clean, wholesome, attractive and safe environment is declared to be of importance to the health and safety of the inhabitants of the Town of Otisco (sometimes hereinafter referred to as the “Town”) and is deemed essential to the general welfare of the Town of Otisco and its citizens. The Town Board of the Town of Otisco (the “Town Board”) is vested by the State of New York with authority to regulate certain activities within the Town of Otisco to protect the health, safety, and welfare of its residents and the environment. The Town has legitimate goals and aims to protect the community, and the cultural, historical, recreational, environmental, and natural resources within the Town. The unrestrained effect of high impact commercial and industrial activities is a hazard to such health, safety, and welfare of the citizens of the Town necessitating the regulation and restraint thereof. The Town Board believes that regulating and prohibiting certain activities is necessary to protect the predominantly residential and agricultural character of property located in the Town, and further, to protect the Town’s environment and natural resources from potential negative impacts.

The Town Board is concerned with the potential for damage to the Town’s predominately residential and agricultural character, its natural and cultural environment, and its natural resources, particularly its surface freshwater and groundwater quality and quantity, the potential for sediment and soil erosion, and the release of potential air pollutants, among other potential negative impacts. Among other concerns, certain commercial and industrial activities require the use of large amounts of water, including the use of surface freshwater (rivers, streams, ponds, basins, lakes), groundwater, municipal water, and other water sources. Further, certain commercial industrial activities will create more demand for water and for wastewater treatment facilities to dispose of byproduct. The Town Board is concerned with the potential for groundwater pollution, possibly affecting many water wells and water sources in the Town. The Town Board is also concerned with the potential environmental impacts on water quality, wetlands, the Otisco Lake Watershed, and Otisco Lake, which is the primary source of water for portions of the Town of Otisco and other local municipalities. There also may be detrimental impacts to local roads during the construction and operation of commercial and industrial activities.

The recent unregulated proliferation of certain commercial and industrial activities has generated significant concern among Town residents and the Town Board about the effects of such activities within the Town on the health, safety, and welfare of its residents and the environment. The Town Board recognizes the need to study the potential long-term effects of certain activities and to review its current local laws to update them as needed and to consider adopting other local laws, ordinances, rules and regulations to protect the health, safety, and welfare of the citizens of the Town of Otisco and the environment.

The Town Board deems it necessary to impose a moratorium period to allow the Town Board time to review its local laws and any applicable State and federal laws, rules or regulations, which may impact the Town. Pending this review, the Town Board deems that it is important to temporarily ban the new development of certain activities by exercising its authority to limit, control, or prohibit certain activities within the Town of Otisco. The Town Board believes that based on the concerns outlined above, and the breadth of the review the Town Board will undertake, that the Town should temporarily prohibit new or expanded commercial and industrial activities within the Town having a potential for the degradation of the Town's character and natural resources.

2. TITLE.

This local law shall be known as the "Temporary Moratorium on Commercial and Industrial Construction Law" and shall be referred to herein as the "Local Law".

3. PURPOSE AND INTENT.

The purpose of this Local Law is to enact a temporary moratorium on commercial and industrial construction within the Town for a period of one (1) year from the effective date of this Local Law to allow the Town Board to conduct a comprehensive review of the Town's existing local laws, State and federal laws and to consider enacting additional local laws and regulations in order to protect the Town's character and natural resources from high impact commercial and industrial development.

4. MORATORIUM ON COMMERCIAL AND INDUSTRIAL CONSTRUCTION.

(a) Effective immediately upon enactment, and for a period of one (1) year from the effective date of this Local Law, no building permits, septic system permits or approvals, or any other governmental approvals shall be issued, and no construction shall commence for any new commercial or industrial development within the Town of Otisco.

(b) This moratorium shall apply to the issuance of permits, land use approvals, site plan approvals, subdivision approvals and any other authorizations required for commercial and industrial construction after the effective date of this Local Law.

(c) This moratorium shall not apply to developments for which validly issued permits and approvals have been issued prior to the effective date of this Local Law and so long as any such permits or approvals remain in effect.

5. USES NOT SUBJECT TO THIS MORITORIUM.

The moratorium imposed by this Local Law shall not apply to the following:

- a. The granting of any permits or approvals relating to the construction, improvement or replacement of 1-3 family residential dwellings and appurtenant structures that are related to and serve the main residential dwelling, and their respective component parts pursuant to validly issued permits and approvals;

- b. The granting of any subdivision approvals relating to the separation or division of any real property which results in at least one such subdivided property containing an existing or proposed 1-3 family residential dwelling unit;
- c. The granting of any permits or approvals for the construction, improvement or replacement of structures and their components used in a “farm operation” for the production of “crops, livestock and livestock products”, as such terms are defined in NY Agriculture and Markets Law Article 25-AA, pursuant to validly issued applicable permits and approvals; provided, however, for purposes of this Local Law, the term “farm operations” shall not include the construction of new structures and their components relating to slaughterhouses or meat processing facilities which shall be prohibited under this Temporary Moratorium on Commercial and Industrial Construction Law.
- d. The granting of any permits or approvals relating to the construction, improvement or replacement of communication towers and their components pursuant to Town of Otisco Local Law No. 1 of 1994 titled Regulation of Towers;
- e. The granting of any permits or approvals relating to the construction, improvement or replacement of structures and their components related to solar energy equipment and systems which are regulated under New York laws, rules and regulations or any current or future Town of Otisco local law; and
- f. The granting of any permits or approvals by the Town of Otisco or State of New York relating to the construction, improvement or replacement of structures and their components related to a wind energy system. which are regulated under New York laws, rules and regulations or any current or future Town of Otisco local law.

6. COMPREHENSIVE REVIEW

During the moratorium period, the Town Board shall conduct a comprehensive review of existing local laws and regulations and State and federal laws pertaining to commercial and industrial development and consider enacting additional local laws and regulations.

7. EXEMPTIONS

The Town Board, in its sole discretion, may grant exemptions from this moratorium for specific projects if it is determined by the Town Board that a project is of critical importance to the Town's economic development and is in the best interest of the community.

8. SEVERABILITY.

If any clause, sentence, paragraph, section, article, subdivision, provision, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be void, invalid or

unenforceable, such adjudication or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations and only apply to the clause, sentence, paragraph, section, article, subdivision, provision, or part thereof directly involved in the controversy in which such adjudication or judgment shall have been rendered or so adjudged, and the remainder of this Local Law shall remain valid and in full force and effect.

9. CONFLICT WITH OTHER LAWS.

This Local Law is intended to supersede and suspend the application of NY Town Law Section 276 and other provisions of New York Law pertaining to the subdivision of land and the approval of subdivision plats within the Town of Otisco and to supersede and suspend the application of New York Law pertaining to the granting of variances from the provisions of this Local Law.

Where this law differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the law more restrictive or protective of the Town and the public shall apply.

10. EFFECTIVE DATE.

This Local Law shall become effective upon filing with the New York State Secretary of State.

11. AUTHORITY.

This Local Law is enacted pursuant to the Municipal Home Rule Law, the Town Law and other State laws. This Local Law is intended to supersede any inconsistent provisions of Town Law to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Town Board of the Town of Otisco

January 8, 2024.

Be it so Ordered by the Town Board of the Town of Otisco.