

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Thurston

FILED
STATE RECORDS
MAY 30 2024

DEPARTMENT OF STATE

Local Law No. 2 of the year 2024

A local law (Insert Title) Establishing A MORATORIUM ON TIER
3 SOLAR ENERGY SYSTEMS IN
THE TOWN OF THURSTON

Be it enacted by the Thurston Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of THURSTON

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the (County)(City)(Town)(Village) of Thurston was duly passed by the Thurston Town Board on May 15 2024, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

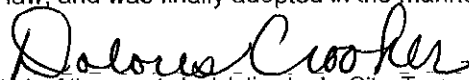
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: May 15, 2024

(Seal)

LOCAL LAW # 1 – Town of Thurston, County of Steuben
Filed with the State of New York this ____ of _____, 2024

TOWN OF THURSTON

COUNTY OF STEUBEN

LOCAL LAW # 2 OF THE YEAR 2024

A local law – ESTABLISHING A MORATORIUM ON TIER 3 SOLAR ENERGY SYSTEMS IN THE TOWN THURSTON

Be it enacted by the TOWN BOARD of the TOWN OF THURSTON as follows:

Section 1. Title

This Local Law shall be known as the "2024 Solar Moratorium Law."

Section 2. Legislative Findings and Purpose

The Town of Thurston enacted Local Law No. 1 of the Year 2021 titled: "Solar Energy Law of the Town of Thurston" on December 10, 2021. The law provided for a three-tier approval process for solar photovoltaic installations: Tier 1 for approval of Roof-Mounted Solar Energy Systems and Building-Integrated Solar Energy Systems solar installations; Tier 2 for Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110 % of the electricity consumed on the site over the previous 12 months; and Tier 3 for all other solar installations. Tier 3 Solar Energy Systems are subject to special permit and site plan approval by the Town Board in accordance with the applicable provisions of the 2021 Law.

The Town Board is concerned about the impact that the installation of Tier 3 Solar Energy Systems may have upon the Town. The Town Board wants to ensure that the Solar Law has suitable standards with reference to siting and approval of applications for the installation of Tier 3 Solar Energy Systems which will protect the Town's predominantly rural, agricultural and forest land with regard to the siting of such Tier 3 Solar Energy Systems.

The Town Board hereby finds and determines that it is in the best interest of the residents of the Town of Thurston to place a moratorium on future applications for Tier 3 solar facilities until such time as the Town Board can review its current Solar Law and, if necessary, consider appropriate modifications or changes to its current law with regard to the siting and approval of Tier 3 Solar Energy Systems. It is anticipated that this process will take approximately one year. This Moratorium Law is designed to protect the health, safety and welfare of the Town of Thurston and its residents and to give the Town sufficient time to study and, if appropriate, propose additional requirements for Tier 3 Solar Energy Systems.

Section 3. Moratorium

The Town Board of the Town of Thurston hereby prohibits, for a period of one (1) year from the effective date of this Local Law, the acceptance, processing or approval of any permit

for the construction, reconstruction, expansion, or structural alteration of any Tier 3 Solar Energy System within the Town of Thurston.

Section 4. Public Hearings

The Town Board of the Town of Thurston shall conduct public hearings and gather information on what further safeguards, if any, need to be put in place to assure that the public health and environment of the Town of Thurston are not put in jeopardy from the installation of Tier 3 Solar Energy Systems in the Town of Thurston.

Section 5. State Environmental Quality Review Act Compliance

The Town Board of the Town of Thurston determines that the adoption of this Local Law constitutes a "Type II action" as said term is defined in the State Environmental Quality Review Act ("SEQRA"), and that no further action with respect to same is required under SEQRA.

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law, which shall remain in full force and effect except as limited by such order or judgment.

Section 7. Effective Date

This Local Law shall take effect upon the date it is filed in the Office of the Secretary of State of the State of New York.