

**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.